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This issue contains documents officially
filed no later than February 1, 1978

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

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CERTIFICATE

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

DENNIS W. COOPER
Acting Code Reviser

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 of 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.

1978

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
78-1	Jan 18	Feb 7	Jan 4	— ⁴	— ⁴
78-2	Feb 15	Mar 7	Feb 1	Jan 18	Jan 4
78-3	Mar 15	Apr 4	Mar 1	Feb 15	Feb 1
78-4	Apr 19	May 9	Apr 5	Mar 22	Mar 8
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78-8	Aug 16	Sep 5	Aug 2	Jul 19	Jul 5
78-9	Sep 20	Oct 10	Sep 6	Aug 23	Aug 9
78-10	Oct 18	Nov 7	Oct 4	Sep 20	Sep 6
78-11	Nov 15	Dec 5	Nov 1	Oct 18	Oct 4
78-12	Dec 20	Jan 9, 1979	Dec 6	Nov 22	Nov 8

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

²"No proceeding shall 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(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

³OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

⁴Material having this quantity of pages will not appear in Register No. 78-1 but will appear in Issue No. 78-2 if filed by the pertinent closing date for that issue.

WSR 78-02-001
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1259—Filed Jan. 5, 1978]

I, Gerald E. Thomas, Deputy Secretary of Department of Social and Health Services, do promulgate and adopt the annexed rules relating to: AMD: chapter 388-15 WAC relative to social services for families, children and adults.

I, Gerald E. Thomas, Deputy Secretary, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: These amendments are necessary to conform to amendments to the Department's Comprehensive Annual Social Services Program Plan which take effect on January 5, 1978. There is insufficient time for regular adoption.

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

This rule is promulgated under the general rule making authority of the Department of Social and Health Services as authorized in RCW 43.20A.550.

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

APPROVED AND ADOPTED January 5, 1978.

By Gerald E. Thomas
 Deputy Secretary

AMENDATORY SECTION (Amending Order #1238, filed 8/31/77)

WAC 388-15-020 ELIGIBLE PERSONS. (1) *Individuals eligible for services are:*

(a) *Recipients of aid to families with dependent children (AFDC recipients).*

(b) *Individuals whose needs were taken into account in determining the needs of AFDC recipients.*

(c) *Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.*

(d) *Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed 80% of the state median gross income for a family of four, adjusted for family size.*

(e) *Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed 80% of the state median income for a family of four, adjusted for family size, except that:*

(i) *No individual or family is eligible for chore services, family planning or alcoholism services whose*

gross family income is in excess of 50% of the state median income for a family of four, adjusted for family size, except that a single individual may receive chore services if his median gross income does not exceed 57% of the state's median gross income for a family of four adjusted for family size.

(ii) *No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers or extended sheltered employment unless at least 75% of persons given these services are members of families whose gross monthly income do not exceed 90% of the state median income, adjusted for family size.*

(iii) *Information and referral services or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as chore services or homemaker services are an integral but subordinate part of a protective service plan for children or adults, they may be provided without regard to the level of gross family income.*

(2) *Gross median income for a family of four in the state of Washington is \$16,818 ((\$15,401)). 80% = \$13,454 ((\$12,321)).*

(a) *Income tables for 80% gross median income:*

Number in Family	Monthly Income	Annual Income
1	((533))583	((6,407))6,996
2	((698))762	((8,378))9,148
3	((862))942	((10,349))11,301
4	((1,026))1,121	((12,321))13,454
5	((1,191))1,300	((14,292))15,605
6	((1,355))1,480	((16,264))17,759

(b) *Income tables for ((50%)) 57% gross median income((:)), one person family only.*

(Number in Family)	Monthly Income	Annual Income
((1))	((333))415.33	((4,004))4,984
((2))	((436))	((5,236))
((3))	((539))	((6,468))
((4))	((641))	((7,701))
((5))	((744))	((8,933))
((6))	((847))	((10,165))

(c) *Income table for ((57%)) 52% gross median income((:), one person family only.):*

Family Size	Monthly Income	Annual Income
2	((380))	((4,565))
3	497	5,947
4	612	7,346
5	729	8,745
6	845	10,145
6	962	11,544

(d) *Income tables for ((38%)) 50% gross median income:*

Family Size	Monthly Income	Annual Income
1	((253))364	((3,043))4,372
2	((331))477	((3,979))5,718
3	((409))589	((4,916))7,063
4	((487))701	((5,852))8,409
5	((565))813	((6,789))9,754
6	((643))925	((7,725))11,099

(e) Income tables for 38% gross median income:

<u>Family Size</u>	<u>Monthly Income</u>	<u>Annual Income</u>
1	277	3,323
2	362	4,345
3	447	5,368
4	533	6,390
5	618	7,413
6	703	8,435

((τ)) (f) See WAC 388-28-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household(-), and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or with unrelated persons only is considered a one-person family. An individual living alone or with unrelated persons may include in his/her application a dependent living in a separate household for whom support is paid.

(d) Children living with non-legally responsible relatives, emancipated minors and children living under the care of unrelated persons are also considered one person families.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the Social Security Act.

AMENDATORY SECTION (Amending Order #1238, filed 8/31/77)

WAC 388-15-120 ADULT PROTECTIVE SERVICES. (1) Adult protective services are those services provided to prevent, correct, improve or remedy the situations of adults who are neglected, abused or exploited or whose living conditions or life style is such that they are endangering their own health or safety or that of others.

(2) Services include counseling with the individuals and their friends and relatives; arranging for alternative living arrangements, assisting in the location of medical care, legal services and other community services, such as volunteer services. Homemaker or chore services ((or advocacy)) may be provided as appropriate or advocacy to assure receipt or preservation of rights and entitlements due to adults at risk.

(3) Goals for Adult Protective Services shall be limited to those specified in WAC 388-15-010(1)(c), (d), (e). Also see WAC 388-15-010(2).

AMENDATORY SECTION (Amending Order #1238, filed 8/31/77)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care and protection and related services for a child under 15 years of age during that portion of the 24

hour day that the child's parents are unable to provide necessary care and supervision for the following reasons:

(a) parent is employed or seeking employment in accord with an approved case plan,

(b) parent is enrolled in an approved training program (not to exceed two years) leading toward employment,

(c) for school age parent to complete secondary education or attainment of G.E.D. (not to exceed two years), subject to approval by the department,

(d) for AFDC recipient to serve as a volunteer either on DSHS advisory board or to attain pre-employment skills, subject to approval by the department,

(e) for AFDC parent enrolled in a prevocational program subject to approval by the department,

(f) parent to keep physical or mental health appointment,

(g) child in need of day care as part of children's protective service case plan.

(h) refugees enrolled in English as a second language class, driver's education program or vocational education program.

(i) provided as child welfare services by a professional or other mental health social service agency referral for the child or parents physical/emotional health or support to the family structure.

(2) Goals for General Day Care Services shall be limited to those specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2). Also see WAC 388-75-203 through 388-75-396.

(3) Child care including ((migrant))seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below 38 percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(i) Exception: Residents on federally recognized Indian Reservations whose gross income is equal to or below 80% of the state median income for a family of four adjusted for family size, shall be eligible for general child day care services,

(ii) Exception: Those refugees covered under the Refugee Assistance Act of 1975, who attend an approved English as a second language class, driver's education program or vocational education program are eligible for day care services whose gross family income is at or below 80% of the state median income for a family of four adjusted for family size.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for Seasonal Day Care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies which serve migrant families; and

(b) Must derive at least 50% of its annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year, and

(d) Must have a gross income for the past 12 months not to exceed 38% of the state median income adjusted for family size.

~~((4))~~(5) Standards for in-home care

(a) In-home care is the care and supervision of a child in his own home by a relative or by an unrelated person during part of the 24-hour day while the child's parents are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine that the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary that he remain in his home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program which DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority that he or she is in sufficient physical, emotional and mental health to be a safe caretaker,

(v) Produce written references indicating that she is capable of handling children of the ages for whom she will be caring and has the ability to provide activities suitable to their ages and interests.

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated on the above items.

(e) Responsibilities of in-home caretaker - in-home caretaker shall:

(i) Consider her primary function that of child care,

(ii) Provide constant care and supervision of the children for whom she is responsible throughout the time she is on duty in accordance with their needs,

(iii) Provide appropriate activities for children in care.

~~((5))~~(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, that person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time that payment is received. The parent/surrogate must send this receipt with his or her statement of child

care provided during the previous month to the ESSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

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 78-02-002

NOTICE OF PUBLIC MEETINGS
POLLUTION CONTROL HEARINGS BOARD

[Memorandum from Exec. Secty.—Jan. 4, 1978]

WAC 371-08-010 BOARD ADMINISTRATION — OFFICE OF THE BOARD. The headquarters and principal office of the Board is Number One South Sound Center, Lacey, Washington 98504.

WAC 371-08-015 BOARD ADMINISTRATION — MEETING OF THE BOARD. The Board shall meet in formal sessions at its principal office at 10:00 a.m. on the first Tuesday of each month; and shall meet at such other times and places as the Board may designate.

The Shorelines Hearings Board meets in the office of the Pollution Control Hearings Board, Number One South Sound Center, Lacey, Washington, every fourth Wednesday of each month commencing at 10:00 a.m.

WSR 78-02-003

NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES APPEALS BOARD

[WAC 223-08-015]

WAC 223-08-015 BOARD ADMINISTRATION — MEETINGS. The appeals board shall meet in formal sessions at its principal office on the first Friday of each month at 9:30 a.m., and shall meet at such other times and places as the appeals board may designate.

WSR 78-02-004**NOTICE OF PUBLIC MEETINGS
WALLA WALLA COMMUNITY COLLEGE**
[Letter, President—Dec. 30, 1977]

The Board of Trustees of Community College District No. 20 (Walla Walla Community College) hold their regular monthly meetings in the Board Room of Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington, at 3:00 p.m. on the third Thursday of each month. This date is subject to change upon mutual agreement of the board members.

We will continue the practice of meeting when we can have all five board members present rather than having it when only three can be there. All of our board members are lay people with their own businesses and jobs, and there are times when they cannot be present on the third Thursday. If there is a change from the third Thursday, all media are notified, as well as all those organizations and individuals who have requested they be notified of the board of trustees meetings.

WSR 78-02-005**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE DISTRICT FIVE
(Everett/Edmonds Community Colleges)**
[Letter from Rules Coordinator—Jan. 4, 1978]

Please be advised that scheduled meetings of the Board of Trustees of Community College District 5 are held on the third Thursday of each month. Special meetings are called, when necessary, on varied dates.

WSR 78-02-006**EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 78-2—Filed Jan. 6, 1978]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial salmon fishing regulations.

I, Gordon Sandison, 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: Salmon runs are no longer present in the Snohomish, Stillaguamish, Samish and lower Nooksack River, making conservation closures unnecessary.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 6, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-007BOF CLOSED AREAS
Immediately, until further notice, it shall be unlawful for any fisherman, including Treaty Indian fishermen, to take, fish for or possess salmon, for commercial purposes, with any type gear in the Nooksack River upstream of the confluence of the north and south forks.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed, effective January 8, 1978.

WAC 220-28-007BOE CLOSED AREAS
WAC 220-28-007COD CLOSED AREA
WAC 220-28-008AOB CLOSED AREA—
SALMON
WAC 220-28-008DOB CLOSED AREA—
SALMON

WSR 78-02-007**EMERGENCY RULES
DEPARTMENT OF ECOLOGY**
[Order DE 78-1—Filed Jan. 6, 1978]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to: Providing needed capital for the planning, acquisition, construction, and improvements of water supply facilities to alleviate water supply conditions arising from the drought forecast for 1977, as authorized by chapter 1, Laws of 1977 ex. sess., and section 75, chapter 339, Laws of 1977 ex. sess.; creating chapter 173-166 WAC. This rule is promulgated pursuant to section 75, chapter 399, Laws of 1977 ex. sess. and is intended to administratively implement that specific General Fund - State Emergency Water Projects Revolving Account.

I, Wilbur G. Hallauer, 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: In response to the drought forecast for the State during the summer and fall of 1977, the Legislature enacted chapter 1, Laws of 1977 ex. sess., to provide needed capital for planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water

to alleviate conditions arising from the drought forecast. Subsequently, the 45th Legislature passed Substitute Senate Bill No. 3109, creating chapter 339, Laws of 1977 ex. sess., to provide funds during the 1977-79 biennium to continue planning, acquisition, construction, and improvement of water supply facilities as authorized by chapter 1, Laws of 1977 ex. sess..

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

This rule is promulgated pursuant to section 75, chapter 339, Laws of 1977 ex. sess., and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 6, 1978.

By Wilbur G. Hallauer
Director

NEW SECTION

WAC 173-166-010 **PURPOSE.** The purpose of this chapter is to implement that specific appropriation General Fund-State Emergency Water Projects Revolving Account as provided in Section 75 of Chapter 339, Laws of 1977, First Extraordinary Session, relating to implementation of Chapter 1, Laws of 1977, First Extraordinary Session.

NEW SECTION

WAC 173-166-020 **AUTHORITY.** This regulation is promulgated by the Department of Ecology under authorities and procedures provided in Chapter 1, Laws of 1977, First Extraordinary Session, Chapter 339, Laws of 1977, First Extraordinary Session, and after giving notice as provided in Chapter 34.04 RCW.

NEW SECTION

WAC 173-166-030 **DEFINITIONS.** (1) "Department" shall mean the Department of Ecology. (2) "User" shall mean any public body which operates, maintains and manages agricultural water supply facilities to divert, carry and distribute water to moisture deficient land used for the production of commercial crops.

NEW SECTION

WAC 173-166-040 **GRANT AND LOAN FUND CONDITIONS.** The Director may make loans or combination loans and grants for the following types of projects:

1. Water withdrawal facilities to divert water from any source approved under provisions of Chapter 1, Laws of 1977, First Extraordinary Session, to provide supplemental water to lands previously irrigated for projects which include one or more of the following facilities:

- * Diversion Structures
- * Pumps and motors and accessories
- * Penstocks and discharge lines
- * Canals
- * Pipelines
- * Wells

2. Water conservation facilities to provide water which would not otherwise be available to the lands previously irrigated for projects which include the following work:

- * Repair
- * Rehabilitation
- * Improvement
- * Replacement
- * Control structures

CRITERIA. The Director may make loans or combination loans and grants to an eligible user, for projects generally meeting the following criteria:

1. Wherever possible, considering cost/effectiveness, the least costly alternative, including conservation measures, to supply adequate water supplies.

2. The project will produce measurable water supply benefits in relation to the total needs arising from drought conditions.

3. Projects having long-term drought-relief benefits.

4. The project selected will minimize impacts on the environment.

5. Alternate sources, including conservation through improvements to existing withdrawal facilities, will be favored over increasing withdrawal of water supplies impacted by drought conditions.

6. The project will provide water to previously irrigated lands.

7. The project will not reduce flows or levels below essential minimums as necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

NEW SECTION

WAC 173-166-050 **LOAN AND GRANT FORMULA.** The Director may make loans and grants, according to the following formula: (1) The Department may advance funds from these emergency appropriations to make loans or combinations of loans and grants to a user. The grant portion of a combination loan and grant to a user for any project shall not exceed 15 percent (15%) of the total amount received under the drought program by such project. (2) Loan and grants shall be based upon the user's repayment capabilities. (3) The grant shall be contingent upon the user accepting the loan.

NEW SECTION

WAC 173-166-060 **LOANS.** Loans for rehabilitation may be provided at interest determined appropriate by the director, but in no event may the interest be less than five and one fourth percent (5 1/4%) whenever a combination 15 percent grant and 85 percent loan is made.

WSR 78-02-008

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(Board of Pilotage Commissioners)

[Order 78-1—Filed Jan. 6, 1978—Eff. 2/10/78]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amount of the Puget Sound Pilots retirement fund contribution and the pilotage rates for the Grays Harbor and Willapa Bay Pilotage District.

This action is taken pursuant to Notice No. 7922 filed with the code reviser on 12/13/77. Such rules shall take effect at a later date, such date being 2/10/78. Part of this rule is promulgated pursuant to chapter 88.16 RCW as amended by, section 4, chapter 337, Laws of 1977 ex. sess. and is intended to administratively implement that statute.

Part of this rule is promulgated pursuant to chapter 88.16 RCW as amended by section 1, chapter 337, Laws of 1977 ex. sess. which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88.16 RCW as amended by chapter 337, Laws of 1977 ex. sess.

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

APPROVED AND ADOPTED January 5, 1978.

By Richard A. Berg, Chairperson
Board of Pilotage Commissioners

AMENDATORY SECTION (Amending Order 77-18, filed 9/20/77)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND ((AND ADJACENT INLAND WATERS)) PILOTAGE DISTRICT. Effective ((November 1, 1977,)) February 10, 1978 through December 31, 1978, and thereafter until further order of the Board.

CLASSIFICATION **RATE**

Charges: Ship length overall (LOA Zones) LOA per LOA rate schedule in this section

Boarding Fee 20.00

Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.

((Retirement Fund Contribution Included in (Minimum LOA Zone I) LOA Zone

CLASSIFICATION

RATE

Charges

~~Distance furnished by National Oceanic and Atmospheric Administration, computed to the nearest half mile. Ships taking and discharging pilots without using their services through all Puget Sound and Adjacent Inland Waters shall pay full pilotage fees on the LOA Zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and Adjacent Inland Waters.))~~

Harbor Shift - Live Ship (Seattle Port) LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port) LOA Zone I

Harbor Shift - Dead Ship Double LOA Zone I

Dead Ship Towing Charge: LOA of tug + LOA of tow + beam of tow Double LOA Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of \$75.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$35.00 per bridge.

Ships 90' beam and/or over:

A charge of \$100.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$70.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Compass Adjustment 100.00
Radio direction finder calibration 100.00

CLASSIFICATION	RATE
Launching vessels	150.00
Trial trips, 6 hours or less (Minimum \$240.00)	40.00 per hr.
Trial trips, over 6 hours (two pilots)	80.00 per hr.
Shilshole Bay - Salmon Bay	58.00
Salmon Bay - Lake Union	46.00
Lake Union - Lake Washington (plus (mileage)) LOA zone from Webster Point)	58.00
Cancellation Charge	LOA Zone I
Cancellation Charge - Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring - Applicable Harbor Shift rate to apply, plus \$40.00 per hour standby. (Example: Anchoring 0400, anchor away 0500, no delay. Anchor away 0501, retroactive to 0400 - two hour standby.)	
Sailing Delay	40.00 per hr.
(Called for 1800, sailed 1900 no delay. Example: Sailed 1901, retroactive to 1800 - two hours standby.)	
Slow-Down - \$40.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	
Super Ships - Additional charge to (mileage) LOA zone of \$0.0248 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be \$0.0297 per gross ton.	\$0.0248 \$0.0297
Delayed Arrival - Port Angeles (When pilot is ordered and vessel does not arrive within four hours without notification of change of ETA)	40.00 per hr.
Delinquent payment charge: 1% per month after 60 days from first billing.	
Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.	

LOA RATE SCHEDULE

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 449	70	110	190	285	385	500
450 - 459	72	112	192	290	390	502
460 - 469	74	114	194	295	395	504
470 - 479	76	116	196	300	398	506
480 - 489	78	118	198	305	401	((50+))508

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
490 - 499	80	120	200	310	405	510
500 - 509	82	123	203	315	408	512
510 - 519	84	126	206	320	412	515
520 - 529	86	129	209	322	416	520
530 - 539	88	132	212	325	422	525
540 - 549	90	135	215	328	429	530
550 - 559	92	138	218	332	433	535
560 - 569	95	141	221	335	437	540
570 - 579	98	144	224	337	441	545
580 - 589	101	147	227	339	445	550
590 - 599	105	150	230	341	450	555
600 - 609	110	153	233	343	455	560
610 - 619	115	156	236	345	460	565
620 - 629	121	159	239	347	465	570
630 - 639	127	162	242	349	470	575
640 - 649	133	165	245	351	475	580
650 - 659	140	168	248	353	480	585
660 - 669	144	171	251	355	485	590
670 - 679	148	174	254	360	490	595
680 - 689	152	177	257	365	495	600
690 - 699	156	180	260	370	500	610
700 - 719	164	186	266	375	510	620
720 - 739	172	192	272	380	520	630
740 - 759	180	200	278	385	530	640
760 - 779	188	208	284	390	540	650
780 - 799	196	216	290	395	550	660
800 - 819	204	224	296	400	560	670
820 - 839	212	232	302	405	570	680
840 - 859	220	240	308	410	580	690
860 - 879	228	248	314	420	590	700
880 - 899	236	256	320	430	600	710
900 - 919	244	264	326	440	610	720
920 - 939	252	272	332	450	620	730
940 - 959	260	280	338	460	630	740
960 - 979	268	288	344	470	640	750
980 - 999	276	296	350	480	650	760
1000 & over	284	304	356	490	660	770

AMENDATORY SECTION (Amending Order No. 77-18, filed 9/20/77)

WAC 296-116-320 RETIREMENT FUND CONTRIBUTION. With respect to \$750 per month for a full time pilot and \$375 per month for a half time pilot retirement fund contributions:

(1) ((The contribution amount for retirement purposes in the rate schedule established in WAC 296-116-300)) Each active pilot member of the Puget Sound Pilots Association shall make a retirement fund contribution of \$750 per month for a full time pilot and \$375 per month for a half time pilot for retirement purposes which shall be accumulated and payable upon death or retirement only, and shall be deposited in a joint account in the name of the individual pilot and Puget Sound Pilots, in a qualified public depository approved for the purpose by the Commission: PROVIDED, HOWEVER, The Commission grants further authority, subject to the following withdrawal limitations, for a portion or all of the retirement fund contributions for pilots on and after July 18, 1975, to be placed into trust programs limited to interest bearing notes or fixed income accounts designed to comply with the HR-10 Self-Employed Individuals Tax Retirement Act of 1962, as amended by the Employee Retirement Income Security Act of 1974, when such trust plans are submitted to the Commission for prior approval. Participation in such approved self-employment retirement plans shall be conditioned upon the following:

(a) Once established these plans shall not be terminated except upon the death or retirement of the participating pilot.

(b) Each participating pilot shall issue to the trustee of the self-employment retirement plan signed instructions directing the trustee to give advance notice to the Office of the ~~((Chairman))~~ Chairperson of the Board of Pilotage Commissioners of any application for distribution or termination of an established self-employment retirement plan. Any pilot, or any person acting on behalf of said pilot's estate, making such an application for distribution or termination at any time other than upon the event of death or retirement of the pilot, shall be directed by the Commission to withdraw such application.

(c) Should a pilot have not elected retirement prior to age 70 1/2, said pilot shall be permitted to receive a distribution in whatever form he elects, under the provisions of his self-employment retirement plan, thereby complying with the mandatory distribution requirements of the above-mentioned retirement laws, provided that any and all funds so distributed be immediately deposited into a joint account in the name of the individual pilot and Puget Sound Pilots, in a qualified public depository approved for the purpose by the Commission, and thereafter withdrawn only upon actual death or retirement.

(d) It is to be understood by any pilot electing to direct contributions toward these self-employed plans and trust programs, that such activity is at their own financial choosing and the general approval by the Commission for such arrangement is not to be taken as any kind of recommendation or positive approval by the Commission as to these types of programs. This contribution of \$750 per month for a full time pilot and \$375 per month for a half time pilot shall be derived from the pilot's gross revenues.

~~((2) The pilot shall, on all statements for service rendered, state the retirement fund contribution as a separate item.))~~

~~((3))~~(2) On quarterly reports required under RCW 88.16.110, the pilot shall state for the preceding quarter the total retirement fund contribution received, through that quarter and shall itemize all withdrawals or payments from such fund. Further, the pilot shall reflect what portion of his retirement funds, on a quarterly basis, have been diverted into KEOGH approved investment retirement plans.

~~((4))~~(3) All persons hereafter licensed by the board to pilot on the waters of Puget Sound under the provisions of the Pilotage Act, chapter 88.16 RCW shall be deemed to have agreed to and be bound by the foregoing.

~~((5))~~(4) These regulations have been enacted pursuant to the Board of Pilotage Commissioners' authority to fix rates of pilotage as set forth hereinabove. Failure to comply with any aspect of these regulations controlling the use of the \$750 per month for a full time pilot and \$375 per month for a half time pilot contribution amount granted for retirement purpose ~~((, as a part of the pilotage rate,))~~ shall result in disciplinary action pursuant to RCW 88.16.120 and such violation may be charged as a misdemeanor pursuant to RCW 88.17.150.

AMENDATORY SECTION (Amending Order No. 75-1 filed 1-14-75)

WAC 296-116-351 PILOTAGE RATES FOR GRAYS HARBOR AND WILLAPA BAY ((AREA)) PILOTAGE ((SERVICE)) DISTRICT. These rates are effective February ~~((+4))~~ 10, ~~((+1975))~~ 1978 through December 31, ~~((+1977))~~ 1978 and thereafter until changed by the Board.

	Rate
Classification of Pilotage Service	
Piloting of vessels in the inland waters, tributaries of Grays Harbor & Willapa Bay	((-\$19.00)) \$20.00
Per Meter or Per Foot of Draft	Per Meter <u>or</u>
and Per Net Registered Ton	((5.79))6.10 Per Foot
Minimum Charge for Net Registered Tonnage	((.05))0.525 Per N.R.T.
Extra Vessel (in case of tow)	((+75.00)) 200.00
<u>Boarding Fee:</u>	<u>125.00</u>
Per each boarding/deboarding from a boat. Note: The boarding fee is to finance the purchase of the pilot boat Chehalis. When the boat is fully amortized, the boarding fee will be terminated.	25.00
The Following Travel Allowance Shall be Charged:	
Boarding a vessel off Grays Harbor or Willapa Harbor entrance	((+3.00)) 15.00
Disembarking a vessel off Grays Harbor or Willapa Harbor entrance	((+3.00)) 15.00
Returning to Grays Harbor from piloting a vessel to Raymond	((+3.00)) 15.00
Traveling to Raymond to pilot a vessel to sea	((+3.00)) 15.00
Harbor Shifts (Including Travel Allowance):	
Grays Harbor:	
One dock to another dock	((75.00)) 100.00
Anchorage to dock or dock to Anchorage (Upper Bay)	((75.00)) 100.00
Dock to Anchorage (Lower Bay)	((+00.00)) 125.00
Anchorage in Lower Bay to berth Upper Bay	((+00.00)) 125.00
Cancellation Charge at dock	50.00
((Willapa Bay including Anchorage off Tokeland	100.00))
Cancellation Charge if boat operation involved	((50.00)) 200.00
Delays Per Hour	((+5.00)) 30.00

Rate

Willapa Bay:

Same as Grays Harbor

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~((Fifty Dollars (\$50.00)))~~ One Hundred Dollars (\$100.00) for each day or fraction thereof and the following travel expense allowances:

From Aberdeen to:

Seattle	((45.00)) 50.00
Tacoma	((35.00)) 40.00
Olympia	((25.00)) 30.00
Port Angeles	50.00
Longview	45.00
Portland	((50.00)) 55.00
Astoria	((45.00)) 50.00
((Newport 85.00))	
((Coos Bay 105.00))	

All Other Washington Ports North of Seattle: Add to transportation allowance for Puget Sound Pilots the sum of ~~((45.00))~~ 50.00

Transportation and living expenses for other ports as incurred.

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 78-02-009

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Examiners

for Nursing Home Administrators)

[Order PL 282—Filed Jan. 6, 1978]

Be it resolved by the Board of Examiners for Nursing Home Administrators, acting at Seattle, Washington, that it does promulgate and adopted the annexed rules relating to the administration of the nursing home administrator's laws; Amending WAC 308-54-010, 308-54-040, 308-54-160, 308-54-170, 308-54-200, 308-54-220, and 308-54-240; Adopting new sections, WAC 308-54-095 and 308-54-225; Repealing WAC 308-54-210, REFUSAL, SUSPENSION, AND REVOCATION OF LICENSES.

This action is taken pursuant to Notice No. 7829 filed with the code reviser on 10-26-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 18.52.100(2) and 18.52.100(14) as relating to WAC 308-54-095; RCW 18.52.070, 18.52.080 and 18.52.100(14) as relating to WAC 308-54-160; RCW 18.52.100(10) and RCW 18.52.100(14) as relating to

WAC 308-54-170; RCW 18.52.100(1) and (14) as relating to WAC 308-54-200; RCW 18.52.090(2) 18.52-150, 18.52.100(4), (5), (6) and (14) as relating to WAC 308-54-220; RCW 18.52.120 and 18.52.100(14), as relating to WAC 308-54-240; and, section 7, chapter 243, Laws of 1977 ex. sess. and RCW 34.04.020(1) as relating to WAC 308-54-225.

This rule is promulgated pursuant to RCW 18.52.100(14) as relating to WAC 308-54-010 and 308-54-040 which directs that the Board of Examiners for Nursing Home Administrators has authority to implement the provisions of chapter 18.52 RCW.

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

APPROVED AND ADOPTED December 13, 1977.

By Harvey Young, M.D.
Chairman

AMENDATORY SECTION (Order 107, filed 3-3-71)

~~WAC 308-54-010~~ SOURCE OF AUTHORITY—TITLE. The rules and regulations herein contained constitute and shall be known as the ~~((R))~~ rules and ~~((R))~~ regulations of the ~~((B))~~ board of ~~((E))~~ examiners for the ~~((E))~~ licensing of ~~((N))~~ nursing ~~((H))~~ home ~~((A))~~ administrators of the ~~((S))~~ state of Washington, and are hereby promulgated pursuant to the authority granted to said board pursuant to RCW 18.52.100~~((+12))~~(14) ~~((enacted by the forty-first Legislature of the State of Washington in 1970))~~.

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 (Order 107, filed 3-3-71)

~~WAC 308-54-040~~ BOARD OF EXAMINERS—GENERAL POWERS AND RESPONSIBILITIES. The board, with the assistance of the director for administrative matters, shall have the duties and responsibilities, within the limits of the ~~((N))~~ nursing ~~((H))~~ home ~~((A))~~ administrator ~~((E))~~ licensing ~~((A))~~ act and the rules and regulations herein, to:

(1) Develop standards which must be met by individuals in order to receive a license as a ~~((N))~~ nursing ~~((H))~~ home ~~((A))~~ administrator.

(2) Develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing:

(3) Order the director to issue licenses, provisional licenses or permits to individuals meeting the requirements applicable to them~~((:))~~.

(4) Order the director, after such notice and hearing, as may be required by law, to deny, reprimand, revoke, suspend or refuse to reregister a license ~~((to))~~ of any ~~((individual determined substantially to have failed to conform with the requirements of the standards for~~

licensing))holder or applicant who fails to meet the requirements of chapter 18.52 RCW.

(5) Investigate, and take appropriate action with respect to any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of ~~((the standards for licensing:))~~chapter 18.52 RCW.

(6) Issue rules and regulations which are necessary to carry out the functions of the ~~((N))~~nursing ~~((H))~~home ~~((A))~~administrator ~~((E))~~license ~~((A))~~act~~((:))~~;

(7) Implement and carry out the requirements of the ~~((N))~~nursing ~~((H))~~home ~~((A))~~administrator ~~((E))~~licensing ~~((A))~~act and rules and regulations, with the assistance of the director for administrative matters, to include such functions as:

(a) recommending the hiring of consultants to advise on matters requiring expert advice~~((:))~~;

(b) the delegating of work responsibilities to committees of the board~~((:))~~;

(c) implement and supervise the administrator-in-training program.

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 308-54-095 PRECEPTORS FOR ADMINISTRATOR-IN-TRAINING PROGRAMS. In reviewing proposed administrator-in-training programs, the board shall utilize the following criteria in determining the qualifications and duties of the preceptor for such program:

(1) Qualifications of preceptor:

(a) The preceptor should be employed as a licensed nursing home administrator for at least three years.

(b) The preceptor should have an academic background in health care management or health care services.

(c) The preceptor should have demonstrated his or her ability and skills to provide quality care.

(d) The preceptor should have demonstrated his or her continued interest in the broadening of his or her professional horizons beyond the requirements of licensure.

(2) Duties of the preceptor:

(a) The preceptor must take the time necessary in the facility on a weekly basis to adequately supervise the education and activities of the administrator-in-training relative to his program and the facility.

(b) The preceptor should evaluate and report to the board on a quarterly basis as to the progress of the administrator-in-training.

AMENDATORY SECTION (Order 107, filed 3-3-71)

WAC 308-54-160 LICENSES. (1) Upon the director's receipt of the annual registration fee and the application fee and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who has successfully complied with the requirements of the licensing law and

standards provided herein. Such licenses shall be issued on a form certifying that the applicant has met the requirements of the laws, rules and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(2) A person not paying the initial annual license fee within ninety days following such person's date of examination must again apply for licensing and meet all the requirements of a new applicant.

~~((3))~~The board may authorize the issuance of a provisional license to any individual applying therefor who;

~~((a))~~ has served as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970;

~~((b))~~ meets the requirements related to good character, suitability and age; and

~~((c))~~ has paid the annual license fee and the application fee.

~~((4))~~ A provisional license shall terminate after two years or at midnight, June 30, 1972, whichever is earlier. If prior to expiration of such provisional license, the provisional licensee has qualified to take and has passed the examinations required by the board, a nursing home administrator's license shall be issued to him without additional expense.

~~((5))~~ An applicant to whom a provisional license has been issued shall surrender such license to the board upon expiration thereof or upon issuance of a permanent license. The board may not issue a license to an applicant who has not complied with this regulation.

~~((6))~~(3) Application, registration, or license fees are not refundable or transferable.

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 (Order 107, filed 3-3-71)

WAC 308-54-170 TEMPORARY PERMITS. (1) Upon the director's receipt of the annual fee and the application fee, a temporary permit may be issued by the director under certain unusual circumstances and without examination for a period up to six months. No more than three consecutive permits shall be issued to one person. Such permits shall be subject to confirmation or rescission by order of the board upon review at the next board meeting.

(2) ~~((The))~~A temporary permit ~~((is considered by the board as expediently necessary only in the initial phase of the nursing home administrator licensing program. After January 1, 1971, temporary permits))~~ will be granted only under circumstances of extreme hardship or emergency.

(3) A person holding a temporary permit shall work closely with the executive secretary of the board. This working relationship shall involve written arrangements for consultation by a licensed administrator, subject to review by the board at the next regularly scheduled meeting.

AMENDATORY SECTION (order 107, filed 3-3-71)

WAC 308-54-200 STANDARDS OF SUITABILITY AND CHARACTER. To establish suitability and character to qualify an individual for a license as a nursing home administrator, and prior to being permitted to take the examination for license as a nursing home administrator, the applicant shall furnish evidence satisfactory to the board of:

(1) Absence of physical or mental impairment which would prevent the applicant from performing the duties of a nursing home administrator.

(2) Proof of good moral character including two notarized statements certifying to the good moral character of the applicant.

~~((3) Absence of the conviction of a felony by any court of the United States unless such applicant convicted of a felony shall first submit to, and file with the board, a certificate of good conduct granted by the board of parole, or in the case of a conviction in any jurisdiction wherein the laws do not provide for the issuance of a certificate of good conduct, an equivalent statement or document.))~~

AMENDATORY SECTION (Order 107, filed 3-3-71)

WAC 308-54-220 COMPLAINTS AND HEARING PROCEDURES. (1) All proceedings of the director and board for rule making, for contested cases and for appeals shall be conducted in conformity with the Administrative Procedure Act of this state.

(2) Complaints regarding any licensed administrator shall be considered only if submitted to the ~~((board))~~ director in writing ~~((and verified under oath))~~. In any case, the complaint will be fully ~~((disclosed to the affected person and will be))~~ investigated by the director, and referred to the board to determine whether any board action should be initiated. ~~((The report of such investigation shall be fully disclosed immediately to the licensed administrator in question.))~~

(3) The director, on his or her own initiative may, or upon order of the board, shall, initiate an investigation of possible violations of this chapter. The director shall advise the board of all complaints received and action taken.

~~((3))~~(4) The board, with the advice of the director, shall determine the most appropriate method of hearing from among the following choices:

- (a) conducted by the board; or
- (b) conducted by a committee of the board, the majority of which shall be administrator members; or
- (c) conducted by a hearing examiner engaged by the board who shall be a licensed administrator; or
- (d) conducted by a hearing examiner of the state.

NEW SECTION

WAC 308-54-225 ISSUANCE OF SUBPOENAS—ADMINISTERING OATHS AND AFFIRMATIONS—RULING WHEN BOARD OR HEARING PANEL NOT IN SESSION. (1) In any

investigation or proceeding conducted by the board, the following persons are authorized to subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings:

- (a) The chairman of the board;
- (b) The chairman of the hearing panel designated to hear the case;
- (c) The hearing examiner designated to hear the case;
- (d) The executive secretary of the board;
- (e) The attorney of record for a party in a contested case may issue subpoenas, including subpoenas duces tecum, to witnesses called to testify or produce evidence on behalf of such party, and such subpoenas, when subscribed by the attorney, shall have the same effect as if issued by the board.

(2) When testimony in any hearing is to be taken under oath or affirmation, the person chairing the hearing shall have authority to administer such oath or affirmation.

(3) Whenever a contested case has been set down for hearing before the entire board or a three member panel, the chairman of the board or panel shall have authority to rule on matters raised by any party at such time as the board or panel is not in session. Any party may, upon notice to all parties, request reconsideration of such rulings by the entire board or panel, as applicable, at its next scheduled meeting.

AMENDATORY SECTION (Order 107, filed 3-3-71)

WAC 308-54-240 RESTORATION AND REINSTATEMENT OF LICENSES. (1) Suspended licenses are automatically in force at the expiration of ~~((thirty days from the date))~~ the period of suspension set forth in the board's order, but must be re-registered in the normal course if they expire during the period of suspension.

(2) Persons whose licenses have been revoked, or to whom re-registration has been refused, may, upon subsequent application, be licensed, re-licensed, or re-registered upon evidence satisfactory to the board that the applicant for such restoration of license has removed the disability.

(3) Concerning such application for restoration of a license, the board, at its discretion, may grant the applicant an informal hearing and if a formal hearing is requested the formal hearing would be conducted in the manner set forth in WAC 308-54-220(1 and 3).

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

(1) WAC 308-54-210 REFUSAL, SUSPENSION, AND REVOCATION OF LICENSES.

not apply only

WSR 78-02-010
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 113—Filed Jan. 6, 1978]

(1) Be it resolved by the Game Commission, State of Washington, that we promulgate and adopt as emergency rules of this governing body, the annexed rule:

WAC 232-32-300B TEMPORARY REGULATION

(2) We, the Game Commission, find an emergency exists and that, pursuant to the provisions of RCW 77.12.150, and of Administrative Order No. 111 (1978 Washington Game Fish Seasons and Catch Limits), 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 and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to the public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is:

Pursuant to the order of George H. Boldt, Sr., United States District Judge, Washington District at Tacoma, Washington, issued on the 5th day of January 1978, the State of Washington and specifically the Department of Game is hereby permitted to open the non-treaty steelhead sport fishery on the Quileute River system.

Therefore, I, Ralph W. Larson, Director of Game, acting with Game Commission approval, hereby order that the following rivers, or portions of rivers, of the Quileute River system are open to non-treaty sport steelhead fishing until February 28th, 1978:

1. Calawah River from mouth to Highway 101 Bridge.
2. Bogachiel River from mouth to Highway 101 Bridge.
3. Dickey River.
4. Quileute River.

Daily bag, possession limits, and size remain as outlined in 1978 Game Fishing Regulations.

(3) This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.030, 77.12.040, and 77.12.150.

(4) The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED January 6, 1978, at Olympia, Washington.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-300B TEMPORARY REGULATION. (1) An emergency trout season on that portion of the following rivers below Highway 101 commencing immediately until February 28, 1978. Daily bag and possession limits and size remain as outlined in the 1978 Game Fishing Regulations.

1. Bogachiel River - from mouth to Highway 101 Bridge.

2. Calawah River - from mouth to Highway 101 Bridge.

3. Quileute River

4. Dickey River

WSR 78-02-011
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum from Rules Coordinator—Jan. 4, 1978]

In accordance with section 12 of the State Register Act, notice is hereby given that the Board of Trustees of Community College District No. 1 meets in official session the third Wednesday of each month at 7:30 p.m. in the board room of the college (WAC 132A-104-005).

WSR 78-02-012
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF VETERANS AFFAIRS
 [Memorandum from Exec. Asst.—Jan. 6, 1978]

The Department of Veterans Affairs Advisory Committee meets on the second Tuesday of each month at 10:00 a.m. In order to accommodate public access to the committee's meetings, the committee meets at various locations throughout the state. It is therefore impossible to determine in advance the locations of the monthly meetings throughout the year. It would be advisable for interested persons to contact the Department of Veterans Affairs for information regarding the upcoming advisory committee meetings.

WSR 78-02-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1264—Filed Jan. 9, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to: AMD: Ch. 388-96 WAC relating to the nursing home accounting and reimbursement system.

This action is taken pursuant to Notice No. 7916 filed with the code reviser on 12/9/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 9, 1978.

By Gerald E. Thomas
Deputy Secretary

NEW SECTION

WAC 388-96-701 REIMBURSEMENT PRINCIPLES. (1) Reimbursement rates will be set prospectively.

(2) Rates will be established no lower than the level which the department reasonably expects to be adequate to reimburse in full the actual, allowable costs of a facility which is economically and efficiently operated and provides care meeting client needs in compliance with applicable standards.

(3) In determining rates, the department will reasonably take into account economic conditions and trends during the time period covered by the rates.

NEW SECTION

WAC 388-96-704 PROSPECTIVE REIMBURSEMENT RATES. (1) The department will determine prospective reimbursement rates for SNF and ICF services provided to recipients. Each rate represents the contractor's maximum compensation for one patient day of care of a recipient determined by the department to require SNF or ICF care.

(2) A contractor may also be assigned an individual prospective rate for a specific recipient determined by the department to require exceptional care.

NEW SECTION

WAC 388-96-707 PROGRAM SERVICES NOT COVERED BY THE REIMBURSEMENT RATE. Medical services which are part of the department's medical care program but not included in SNF or ICF services are listed in chapter 388-86 WAC. They are not covered by the prospective reimbursement rate. Payment is made directly to the provider of service in accordance with chapter 388-87 WAC.

NEW SECTION

WAC 388-96-710 PROSPECTIVE REIMBURSEMENT RATE FOR NEW CONTRACTORS.

(1) A prospective reimbursement rate for a new contractor will be established within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). It will be effective as of the effective date of the contract.

(2) This prospective reimbursement rate will be based on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances.

(3) If a properly completed projected budget is not received at least sixty days prior to the effective date of the contract, the department will establish a preliminary rate based on the other factors specified in subsection (2) of this section. This preliminary prospective rate will remain in effect until an initial prospective rate can be set.

(4) Where a change of ownership is involved which is not an arms-length transaction as defined in WAC 388-96-010, the new contractor's prospective rates in the administration and operation and property cost areas will

be no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.

NEW SECTION

WAC 388-96-713 RATE DETERMINATION.

(1) Each contractor's reimbursement rate will be determined prospectively at least twice each calendar year, to be effective January 1 and July 1. Rates may be adjusted more frequently to take into account program changes or economic conditions.

(2) Where the contractor participated in the program during all or part of the prior fiscal period, its prospective rate will be determined based on the contractor's allowable costs in the prior period.

NEW SECTION

WAC 388-96-716 COST AREAS. A contractor's overall reimbursement rate for medical care recipients consists of the total of four component rates, each covering one cost area. The four cost areas are:

- (1) Patient care;
- (2) Food;
- (3) Administration and operations; and
- (4) Property.

NEW SECTION

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report submitted by each contractor. If no annual report is available, the most recent desk-reviewed semiannual report will be used.

(2) Data containing obvious errors, data for facilities which are out of compliance with any standard or condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate ranges under subsections (4) and (6) of this section.

(3) Each contractor's reported cost data will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics. The national averages for the most recent twelve-month period will be applied in rate computations for the four cost areas as follows:

- (a) Patient care—"health and recreation" index;
- (b) Food—"food at home" index;
- (c) Administration and operations—Average of the "all items less food" and "services less care services" indices; and
- (d) Property—"shelter" index.

(4) A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) in each of the four cost areas will be determined for each facility through multiple regression analysis, which allows the assessment of the joint impact of a set of factors on cost. The formula for the linear multiple regression function is:

$$Y_c = A + B_1X_1 + B_2X_2 + \dots + B_kX_k$$

where:

Y_c is the predicted cost per patient day for an individual facility;

A is the base cost for a hypothetical facility where the factors all are zero;

$B_1, B_2 \dots B_k$ are the regression coefficients for the factors; and

$X_1, X_2 \dots X_k$ are the independent variables or factors measuring the relevant characteristics of a facility.

A and $B_1, B_2 \dots B_k$ are determined statistically by the method of least squares. In order to be included in a regression formula, factors must show statistical predictability by being significant at the twenty percent level.

(5) After all predicted costs per patient day have been computed, the difference between each facility's reported costs, adjusted to take into account economic trends, and the predicted cost will be computed. The standard deviation of the difference will also be calculated.

(6) To determine an individual contractor's prospective rate, its predicted cost is revised using the most current factor values for the individual facility and the base cost and weights derived in the regression analysis described above. A rate range, defined as this predicted cost plus and minus one standard deviation of the difference calculated in accordance with subsection (5) of this section, will then be determined. If the contractor's reported costs (adjusted for economic trends) are lower than the lower limit of the rate range, the lower limit will be the contractor's reimbursement rate. If these adjusted reported costs are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs.

(7) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, an adjustment will be made to the overall reimbursement rate of each contractor affected by the program change.

NEW SECTION

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine nursing services and supplies to recipients in accordance with WAC 388-88-050.

(2) The regression equation used in the patient care cost area will contain weights for the following four factors:

(a) Locality of the facility. This factor adjusts the base cost to provide for local market conditions. Facility location will be considered "urban" if it is in one of the four Standard Metropolitan Statistical Areas (SMSA). It will be considered "rural" if it is not in an SMSA. SMSA areas are those established in the 1970 census for the state of Washington.

(b) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on patient care costs. Facilities such as hospitals and other institutions which are certified providers but not

licensed as nursing homes will be distinguished from facilities whose primary mission is the delivery of nursing home care.

(c) Characteristics of patients in the facility, as determined by the department. This factor adjusts the base cost to provide for the effect patient mix has on patient care costs. From January 1, 1978 through June 30, 1978, this factor will be the ratio of the number of SNF patients to the total number of patients in each facility for purposes of the regression analysis. In computing an individual facility's rate for that period, it will be the ratio of the number of SNF recipients to the total number of recipients in the facility. On and after July 1, 1978, this factor will be derived using a uniform patient assessment performed by the department.

(d) Number of floors of the facility. This factor adjusts the base cost to provide for the effect of physical plant differences on patient care costs. Data will be derived from inspection records in the state fire marshal's office.

(3) In addition to its reimbursement rate, each contractor will be assigned a range of nursing service hours which represent the maximum and minimum number of hours the department will purchase. The range will depend on the characteristics of the patients in each facility. From January 1, 1978 through June 30, 1978, it will be computed based on the ratio of the number of SNF patients to the total number of patients in the facility, assuming a range of 1-2 hours for ICF patients and 1.75 - 3 hours for SNF patients. On and after July 1, 1978, this range will be derived using a uniform patient assessment performed by the department.

NEW SECTION

WAC 388-96-727 FOOD COST AREA RATE.

(1) The food cost area rate will be computed to cover the necessary and ordinary costs of procuring food, dietary supplements and beverages for meals and between-meal nourishment for recipients.

(2) The regression equation used in the food cost area will contain weights for the following four factors:

- (a) Location of the facility—King county.
- (b) Location of the facility—Clark county.
- (c) Location of the facility—Spokane county.

These factors adjust the base cost to provide for local market conditions in these three urban counties.

(d) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on food costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from those facilities whose primary mission is the delivery of nursing home care.

NEW SECTION

WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST AREA RATE. (1) The administration and operations cost area reimbursement rate will be computed to cover the necessary and ordinary costs of overall management of the facility, operation

and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages).

(2) The regression equation used in the administration and operations cost area will contain weights for the following six factors:

- (a) Location of the facility—Clark county.
- (b) Location of the facility—Spokane county.

These two factors adjust the base cost to provide for local market conditions in the two counties.

(c) Type of facility. This factor provides for the effect institutional requirements have on administration and operations costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes are distinguished from those facilities whose primary mission is the delivery of nursing home care.

(d) Type of certification of the facility. This factor adjusts the base cost to provide for the effect differences in certification requirements have on administration and operations costs. Facilities with ICF-only certification will be distinguished from those with SNF-only and SNF/ICF (dual) certification.

(e) Number of floors of the facility.

(f) Age of the facility. Factors (e) and (f) adjust the base cost to provide for the effect of physical plant differences on administration and operations cost. Data will be derived from inspection records in the state fire marshal's office.

NEW SECTION

WAC 388-96-743 PROPERTY COST AREA RATE. (1) The property cost area reimbursement rate will be computed to cover the necessary and ordinary costs of depreciation, interest, taxes, insurance, and rent of real and personal property.

(2) The regression equation used in the property cost area will contain weights for the following seven factors:

- (a) Location of the facility—King county.
- (b) Location of the facility—Clark county.
- (c) Location of the facility—Spokane county.

These three factors adjust the base cost to provide for local market conditions in the three counties.

(d) Size of the facility. This factor adjusts the base cost to provide for the effect differences in size (defined as the number of licensed beds) have on property costs.

(e) Age of the facility.

(f) Facility's fire detection protection.

(g) Construction type. Facilities with types 1 and 2 construction will be distinguished from those with types 3, 4 and 5 construction. Factors (e), (f) and (g) adjust the base cost to provide for the effect of physical plant differences on property costs. Data will be derived from inspection records in the state fire marshal's office.

NEW SECTION

WAC 388-96-760 UPPER LIMITS TO REIMBURSEMENT RATE. The reimbursement rate shall not exceed the contractor's customary charges to the general public for the services covered by the rate. The contractor shall immediately inform the department if its reimbursement rate does exceed customary charges

for comparable services. The rate will be adjusted in accordance with WAC 388-96-769. Rates will not exceed the limits set out at 42 CFR 450.30(b)(6).

NEW SECTION

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE.

(1) A contractor may apply for an individual prospective reimbursement rate for a recipient whose special nursing and direct care-related service needs are such that the cost of care will be at least twice the contractor's current reimbursement rate.

(2) Application for an individual rate for an exceptionally heavy care recipient shall be made in accordance with instructions furnished by the department.

(3) An individual rate for an exceptionally heavy care recipient will be granted for a specified period of time, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. It will be computed to cover the projected actual costs of care of the recipient.

(4) The contractor will be informed in writing of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application.

NEW SECTION

WAC 388-96-766 NOTIFICATION OF RATES. The department will notify each contractor in writing of its prospective reimbursement rate. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with WAC 388-96-904, it will be effective as of the date the rate appealed from became effective.

NEW SECTION

WAC 388-96-769 ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS. (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of its effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates which are adjusted in accordance with this section will be effective as of the effective date of the original rate.

(2) The contractor shall pay an amount it owes the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set out in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(3) The department shall pay any amount it owes the contractor as a result of a rate adjustment within thirty days after it notifies the contractor of the rate adjustment.

(4) No adjustments will be made to a rate after the annual settlement for the period in which the rate was effective has become final.

NEW SECTION

WAC 388-96-772 REQUESTS FOR REVISION OF A PROSPECTIVE RATE. (1) A contractor may at any time request in writing a revision of its current rate. Each request shall include a detailed explanation of significant changes in the factors used to establish its rate, or of significant changes in actual costs incurred or anticipated.

(2) The department will inform a contractor of the disposition of a request within sixty days after receipt of the request and of any documentation necessary to support it. Unless otherwise specified, a revised rate shall be effective as of the first day of the month in which it is issued.

(3) A formal request is not required for a rate increase granted to all contractors to cover the cost of meeting new federal or state requirements.

NEW SECTION

WAC 388-96-775 PUBLIC REVIEW OF RATE-SETTING METHODS AND STANDARDS. The department will provide all interested members of the public with an opportunity to review and comment on proposed rate-setting methods and standards each year before they are used to set rates.

NEW SECTION

WAC 388-96-778 PUBLIC DISCLOSURE OF RATE-SETTING METHODOLOGY. Without identifying individual nursing homes, the department will make available to the public full information regarding its rate-setting methodology.

WSR 78-02-014

EMERGENCY RULES

STATE EMPLOYEES INSURANCE BOARD

[Order 1-78—Filed Jan. 10, 1978]

Be it resolved by the State Employees Insurance Board, acting at Highline Community College, Gold Room, Midway, WA, that it does promulgate and adopt the annexed rules relating to AMEND 182-08-160 Group Coverage When Not On Pay Status.

We, The State Employees Insurance Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is

due to the implementing of the Uniform Benefit program in accordance with legislation enacted as of July 1, 1977.

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 State Employees Insurance Board as authorized in chapter 41.05 RCW.

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

APPROVED AND ADOPTED January 7, 1978.

By E.W. Lahn
Benefits Supervisor

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-160 GROUP COVERAGE WHEN NOT ON PAY STATUS. *An employee who is temporarily not in pay status may retain state group coverages (~~:(1) Up to 24~~), except long term disability and dental, by self-payment of premium up to twenty-nine months during ((an)) any authorized ((educational)) leave without pay or during a layoff because of a reduction-in-force(~~;~~ provided the employee does not enroll in any other employer-sponsored plan, (2) Up to 12 months during any other authorized leave. Premium payments for the continuance of coverage shall be sent to the employee's agency payroll office, payable to the State Treasurer or Higher Education Institution. Payment must be made prior to the month of coverage)). Employees not on pay status are ineligible to receive credit for the ((State)) employer premium contribution.*

WSR 78-02-015

ADOPTED RULES

STATE EMPLOYEES INSURANCE BOARD

[Order 2-78—Filed Jan. 10, 1978]

Be it resolved by the State Employees Insurance Board, acting at Highline Community College, Gold Room, Midway, WA, that it does promulgate and adopt the annexed rules relating to Amend 182-08-170 Insurance Status For A Reverted Employee, 182-08-190 Employer Contribution To The SEIB Revolving Fund, New Section 182-12-111 Eligible Entities.

This action is taken pursuant to Notice No. 7911 filed with the code reviser on 12/7/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in chapter 41.05 RCW.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 7, 1978.

By E.W. Lahn
Benefits Supervisor

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-170 INSURANCE STATUS FOR A REVERTED EMPLOYEE. Employees who revert and are not successful in regaining pay status during the last month in which their ((state)) employer contribution is made ((shall have the right to continue their insurance in force, without a break in coverage;)) may continue their state group coverages, except long term disability and dental, by self-payment of premium for a maximum of ((+2)) twelve months((- provided they do not enroll in another employer sponsored insurance program)). During and up to the end of that ((+2)) twelve month((s)) term the reverted employee((s shall not be entitled to the state insurance contribution)) is ineligible to receive credit for the employer premium contribution. However, if a reverted employee moves to a noneligible position, i.e.; temporary, intermittent or emergency, without a break in service, the employee shall retain eligibility for the employer contribution during such employment.

AMENDATORY SECTION (Amending Order 3-77, filed 11/17/77)

WAC 182-08-190 EMPLOYER CONTRIBUTION TO THE SEIB REVOLVING FUND. An employer contribution in the amount established by the board shall be made to the SEIB revolving fund for each eligible employee in pay status for eight or more hours during a calendar month.

NEW SECTION

Ch. 182, No

WAC 182-12-111 ELIGIBLE ENTITIES. Every department, division, or separate agency of state government is eligible and required to participate in all board approved plans. Participation by any county, municipality, or other political subdivision of this state shall be subject to the board's approval of the political subdivision's application. Conditions under which the board may approve such applications include, but are not limited to, the following; the political subdivision shall:

- (1) Include all eligible employees as a unit.
- (2) Obligate itself to participate in all board approved plans.
- (3) Make employer contributions in the same amount as those provided by the state as employer.
- (4) Furnish the board, employee census data and prior claim experience, if available.
- (5) Agree to maintain its participation in all board approved plans at least to the July 1 following its effective date of participation, and in the event of termination furnish the board written notice at least thirty days prior to its termination date. Provided the board shall:

(1) Consider and act on all applications received from political subdivisions.

- (2) Hold a public hearing on all applications received.

WSR 78-02-016
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed Jan. 11, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81)

WAC 314-52-070 OUTDOOR ADVERTISING (Rule 122)

WAC 314-52-080 NOVELTY ADVERTISING (Rule 123)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALEERS, PROHIBITED (Rule 124)

WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES—ON PREMISES (Rule 126.1)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES (Rule 126.3)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES (Rule 126.6):

that such agency will at 9:30 a.m., Thursday, January 19, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington, 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, January 19, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington, 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to January 19, 1978 and/or orally at 9:30 a.m., Thursday, January 19, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington, 98504.

This notice is connected to and continues the matter noticed in Notice No. 7921 filed with the code reviser's office on December 13, 1977.

Dated: January 10, 1978

By: L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 54, filed 5/24/77)

WAC 314-20-100 BEER WHOLESALE PRICE POSTING. (RULE 49). (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the ((delivered)) wholesale

prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) all brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The ~~((delivered))~~ wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ~~((Regulation (49.5)))~~ WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ~~((Regulation (49.5)))~~ WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

~~((A retail licensee at his option and upon payment of the posted delivered price as defined in WAC 314-20-100, may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.~~

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card

~~transmitted to the wholesaler by the board.))~~ Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

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 54, filed 5/24/77)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING. (RULE 81). (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the ~~((delivered))~~ wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception—Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in ~~((Regulation (66)))~~ WAC 314-24-080 (Rule 66).

(b) The ~~((delivered))~~ wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with ~~((Regulation (82)))~~ WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and

request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with ~~((Regulation (82)))~~ WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

~~(12) ((A retail licensee, at his option, and upon payment of the posted delivered price as defined in WAC 314-24-190, may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.~~

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

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 46, filed 6/9/76)

WAC 314-52-070 OUTDOOR ADVERTISING. (RULE 122).

(1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ~~((these regulations))~~ WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display.

In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that brand signs may be placed in a simulated window aperture and installed in or on the exterior wall of such licensed premises, or, where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad((s)) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance; PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

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 46, filed 6/9/76)

WAC 314-52-080 NOVELTY ADVERTISING. ~~((PROHIBITED))~~ (RULE 123). ~~((No liquor trade name or the name of a manufacturer of any liquor shall be used in connection with any novelty advertising for use, sale or distribution on retail licensed premises. Such))~~ (1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, recipe booklets, lamp shades, program folders, program cards, or similar ~~((articles))~~ items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ~~((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and upon a sign placed on or above the back bar as permitted by WAC 314-52-111.))~~

(2) No manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof, except as provided in subsection (3) below.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items, consistent with provisions of RCW 66.28.010, WAC 314-12-140 (Rule 13), WAC 314-52-010 (Rule 116), and at not less than cost, as defined in the Unfair Practices Act, chapter 19.90 RCW. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

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 46, filed 6/9/76)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALEERS ~~((OR MANUFACTURER))~~, PROHIBITED. (RULE 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED,

That a retail licensee(s) may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113((+)).

(2) (~~WAC 314-44-020(4) and~~) RCW 66.28.010 shall also apply to joint advertising insofar as ((they are)) it is relevant.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-111 ADVERTISING BY ((CLASS H))RETAIL LICENSEES—ON PREMISES. (RULE 126.1). All regulations heretofore listed shall ((apply to)) govern advertising by ((Class H)) on-premises licensees such as Class A, B, C, D, and H licensees ((insofar as they are relevant)).

(1) ((Since the prerequisite for a Class H license is the service of complete meals,)) Any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ((are))is interpreted as a reference to the availability of ((complete meals))food.

(2) Filled containers of wine or beer ((may)) shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ((public)) Class H license may display wine bottles in or near dining rooms of their premises((—PROVIDED, That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed. For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement)).

(4) ((Bona fide restaurants holding either a Class C or a public Class H license)) On-premises licensees may advertise on premises the brands ((name)) of ((wines sold in carafes or by the glass)) liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents(;) ; provided said advertising material is designed for and paid for by said retail licensee ((PROVIDED, HOWEVER, When the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer)).

(5) ((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer. Such signs, if used, shall be furnished by the licensee.

(6)) One ((single-faced)) sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ((No advertisements shall be installed at or near doorways designed for exit purposes only.))

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 46, filed 6/9/76)

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS H,)) BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. (RULE 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

(1) Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28.010 and WAC 314-12-140, PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of, the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material, the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.)) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) No licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ((beer, ale and/or wine)) alcoholic beverages unless the ((beers, ales and/or wines)) alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ((beer, ale or wine)) alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton".

(5) The term "point-of-sale material" as used herein, shall ((mean))include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, display bins, decalcomanias, price cards, shelf strips, product information booklets, bottle hangers and ((any)) other ((type of)) such brand advertising material for display at the point of sale ((material not specifically listed herein)).

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 46, filed 6/9/76)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G(;) OR J ((OR K)) RETAIL LICENSES. (RULE 126.6). (1) Advertising by holders of Special Occasion Class G(;) or J ((or K)) Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be ((limited)) governed by such other regulations ((as apply)) applicable to ((other)) retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

WSR 78-02-017

ADOPTED RULES

BOARD OF TRUSTEES

BIG BEND COMMUNITY COLLEGE

[Order 3—Filed Jan. 11, 1978]

Be it resolved by the board of Trustees of Community College District No. 18 of the Big Bend Community College, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to chapter 132R-175 WAC, RULES AND REGULATIONS FOR COMPLIANCE WITH CHAPTER I, LAWS OF 1973 (INITIATIVE 276) DEALING WITH PUBLIC RECORDS, sections on copying fee charged.

This action is taken pursuant to Notice No. 7923 filed with the code reviser on 12/14/77. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50-.140, which directs that the Big Bend Community College has authority to implement the provisions of chapter I, Laws of 1973, Public Records Act.

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

APPROVED AND ADOPTED January 3, 1978.

By Theodore A. Roscher
Acting President

Chapter 132R-175 WAC
RULES AND REGULATIONS FOR COMPLIANCE
WITH CHAPTER I, LAWS OF 1973
(INITIATIVE 276)
DEALING WITH PUBLIC RECORDS

AMENDATORY SECTION (Amending Order No. 74-22, filed 12/23/74)

WAC 132R-175-090 COPYING. No fee shall be charged for the inspection of public records. The District shall charge a fee of ~~((ten (10)))~~ twenty-five (25) cents per page of copy for providing copies of public records and for use of the District copy equipment. This charge is the amount necessary to reimburse the District for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order No. 73-8, filed 5/4/75)

WAC 132R-175-150 ADOPTION OF FORM. The District hereby adopts for use by all persons requesting inspection and/or copying or copies of its records ~~((, the))~~ state form 276 ~~((attached hereto as Appendix A,))~~ entitled "Request for Public Record~~((:))~~", (WAC 132R-175-160).

NEW SECTION

WAC 132R-175-160 REQUEST FOR PUBLIC RECORD.



REQUESTER: Please complete form and submit to "Public Records Officer" of the state agency identified.

REQUEST FOR PUBLIC RECORD

NAME OF STATE AGENCY		DATE OF REQUEST		TIME OF REQUEST
TO	PUBLIC RECORDS OR INFORMATION REQUESTED			REQUESTED BY
COMPLETED BY AGENCY PUBLIC RECORDS OFFICER		ACKNOWLEDGEMENT OF RECEIPT		
NO. OF COPIES	AMOUNT RECEIVED	DATE OF RECEIPT	TIME OF RECEIPT	
	\$			
PUBLIC RECORDS OFFICER		RECIPIENT'S SIGNATURE		
REASON IF AGENCY IS UNABLE TO COMPLY				
REQUESTER READ AND SIGN				
I understand that I must abide by the Rules and Regulations published by the agency identified, for the protection of public records, a copy of which I have read and understand.				
I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.				
REQUESTER'S SIGNATURE				

REPEALER

The following is repealed:

Appendix "A", REQUEST FOR PUBLIC RECORD

August 21, 1978
September 18, 1978
October 16, 1978
November 20, 1978
December 18, 1978

Fort Worden
Ellensburg
No meeting
Wenatchee
Everett

WSR 78-02-018

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGE DISTRICT**
[Memorandum from President—June 20, 1977]

A schedule of meetings has been developed to reflect the Board of Trustees meetings for 1977-78. This schedule maintains the current practice of rotating meetings between NSCC, SCCC and SSSC, and provides for beginning all meetings with the action portion of the agenda at 6:30 p.m. on the first Monday of each month.

It should be noted that the combined July-August meeting—based on past practice—is scheduled for August 1, 1977.

The following is the proposed 1977-78 schedule of meetings for the Board of Trustees:

June 20, 1977	NSCC
August 1, 1977	SSCC
*September	SSCC
October 3, 1977	NSCC
November 7, 1977	SSCC
December 5, 1977	SSCC
**January 9, 1978	NSCC
February 6, 1978	SSCC
March 6, 1978	SSCC
April 3, 1978	NSCC
May 1, 1978	SSCC
June 5, 1978	SSCC

*To be announced by the Board Members.

**January 2, 1978, the first Monday in January, is a holiday.

WSR 78-02-019

**NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION**

[Memorandum from Asst. Attorney General—Jan. 10, 1978]

Regular meetings of the Washington State Parks and Recreation Commission are held on the third Monday of each month unless otherwise agreed by a majority of the commissioners present at the meeting held in the month immediately preceding the month in which no regular meeting is to be held. WAC 352-04-010. All meetings begin at 9 a.m. In 1978 the Parks Commission will meet in the following cities in the respective month listed:

January 16, 1978	Longview
February 27, 1978	No meeting
March 20, 1978	Olympia
April 24, 1978	Walla Walla
May 15, 1978	Chelan
June 19, 1978	North Beach
July 24, 1978	Orcas Island

WSR 78-02-020

**ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-112—Filed Jan. 11, 1978]

Pursuant to Notice No. 7927 of December 15, 1977, the above-matter was scheduled for amendment at 8:00 a.m., Wednesday, January 11, 1978, in the Commission's conference room, 7th Floor, Highways-Licenses Building, Olympia, Washington, before Robert C. Bailey, Chairman; Elmer C. Huntley, Commissioner; and Frank W. Foley, Commissioner. Under the terms of the notice, interested persons were afforded the opportunity to submit data, views, or arguments in writing prior to January 5, 1978.

No comments pertaining to the proposed amendment have been received.

In reviewing the entire record herein, it has been determined that WAC 480-04-100 relating to public records should be amended to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-04-100, as amended, establishes a charge for providing copies of public records in the possession of the Commission at eight cents per page, subject to a minimum charge of two dollars for each occasion upon which records are provided.

This rule is promulgated pursuant to RCW 42.17.300 and is intended to administratively implement that statute.

FINDINGS OF FACT

I

Consistent with the requirements of chapter 43.21H RCW and WAC 480-08-050(17)(e), the Commission is required to make an assessment of economic values affected by the rule making herein undertaken. Based upon the entire record, the increase in per page charges and imposition of a minimum charge will result in an increase in net Commission revenues from the provision of copies of public documents of approximately fifty dollars on an annual basis. The proposed amendment will also result in payment by each person requesting copies of documents of the administrative costs associated with preparation of bills and accounting for revenues associated with the particular request, which are unrelated to the number of copies provided.

II

In accordance with RCW 80.01.040, the Washington Utilities and Transportation Commission is empowered to make such rules and regulations as may be necessary to carry out its duties and is further authorized by the provisions of RCW 42.17.300 to fix reasonable charges for providing copies of public records and for the use by

any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying.

III

The charges fixed by amendment of WAC 480-04-100 do not exceed the amount necessary to reimburse the Commission for its actual costs incident to copying and providing copies of public records.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-04-100 relating to public records be, and the same is hereby, amended to read as set forth in Appendix A attached hereto and incorporated herein by this reference.

IT IS FURTHER ORDERED That the order, the annexed rule, and the statement required by chapter 84, Laws of 1977, 1st Ex. Sess., after being first recorded in the Order Register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-18 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerk of the house of representatives, three copies each of the statement required by chapter 84, Laws of 1977, 1st Ex. Sess.

DATED at Olympia, Washington, this 11th day of January, 1978.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ROBERT C. BAILEY, Chairman

ELMER C. HUNTLEY, Commissioner

FRANK W. FOLEY, Commissioner

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 11th day of January 1978.

By: David Rees
Secretary

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-100 COPYING COSTS. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ~~((five (5)))~~ eight cents per page of copy, ((plus the actual labor costs incurred by Commission personnel in making available and copying the requested documents, for providing copies of public records and for use of the Commission copying equipment)) subject to a minimum charge of two dollars for twenty-five or fewer pages, on each occasion on which copies are requested. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

WSR 78-02-021

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE COMMUNITY COLLEGE DISTRICT VIII

[Filed Jan. 12, 1978]

Notice is hereby given in accordance with the provisions of RCW RCW 28B.19.030 that the Bellevue Community College - Community College District VIII intends to adopt, amend, or repeal rules concerning Admissions, Residency Classification, Registration Regulations - Schedule of Fees and Financial Aid for Community College District VIII

that such institution will at 1:30 p.m., Tuesday, March 7, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, Bellevue, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, March 7, 1978 in the Board Room, Bellevue Campus, Bellevue Community College, Bellevue, WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 7, 1978 and/or orally at 1:30 p.m., Tuesday, March 7, 1978, Board Room, Bellevue Campus, Bellevue Community College, Bellevue, WA.

Dated: January 3, 1978

By: Thomas E. O'Connell
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 49, filed 4/8/77)

WAC 132H-160-180 REFUND POLICY. Community College District VIII Board of Trustees has authorized the Registrar to refund fees when a student withdraws from college or a course(s). A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. (1) Tuition fees are refunded upon withdrawal from college or a course(s) as follows:

- (a) Prior to the first day of the quarter:
 - (i) Complete withdrawal from college - 80% Refunded
 - (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - 80% Refunded
- (b) Through first week of the quarter:
 - (i) Complete withdrawal from college - 50% Refunded
 - (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - 50% Refunded
- (c) After first week of quarter:
 - (i) Complete withdrawal from college - No refund
 - (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - No Refund
 - (iii) Cancellation of a course - Permission to transfer to another course or full refund upon request
- (d) Deferred Payment Deposit (The deferred payment is a \$20 tuition deposit paid at the time of registration by students who choose to postpone payment in full until the required due date. See quarterly class schedule)
 - (i) 100% refundable prior to the opening day of the quarter, less \$10 service charge
- (e) Lab fees
 - (i) Prior to first week of quarter - 100% Refund
 - (ii) Through first week of the quarter - 80% Refund
 - (iii) After the first week of the quarter - No Refund
- (f) Parking Fees
 - (i) Prior to first week - 100% Refund
 - (ii) Through first week of the quarter - 80% Refund
 - (iii) After the first week of the quarter - No Refund
- (g) Insurance Fees
 - (i) Through first week of the quarter only - 100% Refund

- (ii) After first week of the quarter - No Refund
- (iii) If insurance claim has been filed - No Refund
- (h) Community Service/Continuing Education tuition and fees:
 - (i) Through the first week of the quarter - 80% Refund
 - (ii) Through the second week of the quarter - 50% Refund
 - (iii) After the second week of the quarter - No Refund
 - (i) Non-resident tuition differential: (that portion of tuition which non-residents pay in addition to resident tuition)
 - (i) Through the first week of the quarter - 100% Refund
 - (ii) After the first week of the quarter - No Refund

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 78-02-022
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-3—Filed Jan. 12, 1978]

I, Gordon Sandison, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial shellfish regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: This order will provide for better records of harvest from individual tracts.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 12, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-52-01900B GEODUCK LOGS. *Notwithstanding the provisions of WAC 220-52-019, it shall be unlawful for any commercial geoduck harvester engaged in the geoduck fishery to fail to maintain an accurate log and is the obligation of each commercial geoduck harvester to obtain the appropriate log from the Washington Department of Fisheries. The number of geoducks must be recorded prior to the vessel or the geoducks leaving that particular leased tract. Weights must be recorded upon landing or sale of the geoducks.*

The geoduck harvest log must be kept aboard the vessel while the vessel is engaged in geoduck harvest or has geoducks aboard. The Department's copy of the completed geoduck log must be submitted to the Department at the end of each calendar month and at the termination of commercial geoduck fishing, whichever occurs first.

WSR 78-02-023
ADOPTED RULES
CENTRAL WASHINGTON UNIVERSITY
 [Order 37—Filed Jan. 13, 1978]

I, Paul Bechtel, Director of the Physical Plant of the Central Washington University, do promulgate and adopt at the Physical Plant on campus the annexed rules relating to Parking and Traffic Regulations.

This action is taken pursuant to Notice No. 7904 filed with the code reviser on 11/30/77. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.19.050 and 28B.40.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 9, 1978.

By Paul B. Bechtel
 Director of the Physical Plant

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-011 PREAMBLE. Drivers of vehicles on the property of Central Washington (~~State College~~) University are responsible for their safe and lawful operation. Individuals operating or parking vehicles on (~~College~~) University owned property must do so in compliance with these regulations, and ordinances and laws of the City of Ellensburg, County of Kittitas, and State of Washington.

AMENDATORY SECTION (Amending Order 15, filed 8/17/73)

- WAC 106-116-020 OBJECTIVES OF PARKING AND TRAFFIC RULES AND REGULATIONS.
- (1) To protect and control pedestrian and vehicular traffic.
 - (2) To assure access at all times for emergency equipment.
 - (3) To minimize traffic disturbance during class ours.
 - (4) To facilitate the work of the (~~College~~) University by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

AMENDATORY SECTION (Amending Order 15, filed 8/17/73)

WAC 106-116-030 APPLICABLE TRAFFIC RULES AND REGULATIONS. (1) The Motor Vehicle Code and other traffic laws of the State of Washington shall be applicable upon all lands located within the State of Washington.

(2) The traffic code of the City of Ellensburg shall be applicable upon all lands located within the City of Ellensburg.

(3) These regulations shall be applicable to all lands owned and leased by Central Washington (~~State College~~) University.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-040 AUTHORITY OF CAMPUS POLICE OFFICERS. Campus Police Officers, duly appointed and sworn pursuant to RCW 28B.10.555 are peace officers of the state and have (~~such~~) police powers as are vested in sheriffs and peace officers generally under the laws of the State of Washington.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-042 CITATIONS. (1) The entire campus, including parking and traffic areas, is patrolled by the Campus Police Department with authority to issue citations for on-campus violations. This authority is further shown in WAC 106-116-040 of this policy.

(2) The Campus Police Department and its duly sworn officers have authority to issue citations for violations of Washington Administrative Codes and ordinances and laws of the City of Ellensburg, County of Kittitas, and State of Washington, which violations occur on (~~College~~) University owned property.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-102 FACULTY-STAFF AND STUDENTS. (1) Faculty, staff and students (~~regardless of classification~~) shall obtain a permit for all motor vehicles they park (~~or expect to park~~) on the (~~College~~) University grounds at (~~any time~~) specified times. Fees may be charged and parking permits issued, which will allow vehicles to be parked in specific (~~parking~~) areas.

(2) A faculty, staff, or student owner, operator, and/or permit holder for a motor vehicle shall be held responsible for any violation involving that vehicle.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-103 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the (~~Cashier's Office~~) Campus Police Department, and a

new permit with the same expiration date assigned will be issued at no charge by the Cashier's Office.

AMENDATORY SECTION (Amending Order 32, filed 3/1/77)

WAC 106-116-10401 ANIMAL TRAFFIC. It shall be unlawful for any person to drive, lead, walk or ride any cattle, horse or beast of burden upon any of the lawns, beds, sidewalks, malls, service drives or parking lots of Central Washington (~~State College~~) University except as authorized by permit by the Campus Police Chief for parades and (~~college~~) university sponsored activities.

AMENDATORY SECTION (Amending Order 32, filed 3/1/77)

WAC 106-116-201 PERMITTED PARKING AREAS. (~~College~~) (1) University owned parking areas are marked with signs reading, "Parking by (~~College~~) University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 5:30 p.m. (:) Monday through Friday, except:

((+)) (2) Vehicles parked in the C-1 Pavilion parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. (:) Monday through Friday. No parking permitted daily in C-1 lot from 2:00 a.m. to 6:00 a.m.

((a) ~~No person may park a vehicle in any portion of the C-1 Pavilion parking area between the hours of 2:00 a.m. and 6:00 a.m. daily~~)

((2)) (3) Vehicles parked in the C-2 (:) Stadium parking area (:) without a valid parking permit will be ticketed from 7:30 a.m. to 3:00 p.m. (:) Monday through Friday.

((3)) (4) Enforcement shall be in effect twenty-four (24) hours a day in the following parking areas:

(a) Head Resident parking areas,

(b) Buttons Apartments,

(c) (~~Hickey Apartments~~) Thirty minute parking zones,

(d) (~~Thirty minute parking zones~~) J Lot

((+)) (5) Vehicles parked in "B" Lot, Hertz Music Building parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. (:) Monday through Friday.

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 24, filed 7/30/75)

WAC 106-116-202 NO PARKING AREAS. Parking is permitted only in areas designated and marked for parking and in accordance with all signs posted in the designated parking area.

For example, prohibited areas include fire hydrants, yellow curb zones, crosswalks, driveways, service drives or any area not expressly permitted by sign or these regulations. Vehicles are not permitted to be parked on

any undeveloped (~~college~~) university property without the approval of the Campus Police Department.

AMENDATORY SECTION (Amending Order 16, filed 10/19/73)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these Regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these Regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: parking in a space marked "Disability Permits Only", or in spaces reserved for residence hall personnel.

(4) Parking and/or driving on sidewalks adjacent to streets is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-204 COMMUTER STUDENTS. Students who commute and park in (~~College~~) University parking areas must purchase and display a valid parking permit. (~~Commuter parking permits are valid in all student parking areas.~~) They may not park in Staff and Faculty Reserved lots, nor in Student Reserved lots.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-205 APARTMENT RESIDENTS.

(1) Residents of Brooklane Village, Walnut Street Duplexes and Student Village Apartments do not need parking permits to park in front of or immediately adjacent to their respective apartments but must register their vehicles with the (~~College~~) University.

(2) (~~Brooklane Village~~) Apartment residents may purchase a commuter parking permit.

(3) Residents of Student Village may park in Lots G-1 and G-2 without a permit.

(4) Residents of Anderson Apartments will be given a parking permit for J Lot.

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 24, filed 7/30/75)

WAC 106-116-208 FIRE LANES AND SERVICE DRIVES. Parking (~~and traffic are~~) is not allowed at any time in the service drives or fire lanes of all campus buildings (~~except for~~). Service drives may be used by service and emergency vehicles, and for loading and

unloading personal items. A permit for vehicle to load and unload must be obtained from Campus Police.

AMENDATORY SECTION (Amending Order 15, filed 8/17/73)

WAC 106-116-212 LIABILITY. The (~~College~~) University shall not be liable for damages to or theft from a vehicle while parked in (~~college~~) University parking lots.

AMENDATORY SECTION (Amending Order 28, filed 8/2/76)

WAC 106-116-213 PARKING OF TRAILERS, CAMPERS, (~~ETC.~~) AND SIMILAR PURPOSE VEHICLES ON CAMPUS. It shall be unlawful for any individual, firm or corporation to park any type of vehicle on the grounds of Central Washington (~~State College~~) University for the purpose of using such vehicle as a living unit.

Any exception must be approved by the Chief of Campus Police, in writing.

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 16, filed 10/19/73)

WAC 106-116-214 MALL TRAFFIC. (1) Only service vehicles are permitted on pedestrian malls (:) and then only at speeds less than five (5) miles per hour, and at times of very light pedestrian traffic. Only service vehicles are permitted to travel on the malls past the octagonal red "stop" signs.

~~((2) Only three-wheel vans are permitted to travel on the malls past the octagonal red "stop" signs, and then only at speeds less than five (5) miles per hour, and at times of very light pedestrian traffic.))~~

~~((3))~~ 2) Vehicles on clear emergency business with warning equipment operating (, if so equipped,) are an exception to the provisions of this paragraph. Examples: fire trucks, ambulances, police cars, and equipment for emergency repair.

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 28, filed 8/2/76)

WAC 106-116-301 PURCHASING PARKING PERMITS. (1) Parking permits (~~are~~) may be purchased from the Cashier during Registration or at the Cashier's Office, Mitchell Hall.

(2) Persons who own more than one vehicle that may be parked on (~~College~~) University owned parking facilities may (~~purchase~~) obtain permits for such additional vehicles (~~as shown in paragraph 307 of this policy~~): PROVIDED, that this type of additional permit does not constitute the right to park more than one

vehicle at a time on campus. WAC 106-116-305 (4) also has applicability in this situation.

AMENDATORY SECTION (Amending Order 15, filed 8/17/73)

WAC 106-116-302 PURCHASER'S RESPONSIBILITY. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these rules and regulations involving the vehicle for which the permit was issued and to which it was affixed; provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations while operating said vehicle.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-303 DISPLAY OF PERMITS—VEHICLE—MOTORCYCLE. (1) Parking permits shall be displayed conspicuously on the right side (:) (passenger side) (of the) rear bumper of the vehicle.

(2) ((Any s)) Special permit s must be displayed ((by placing it on the dash in such a position as to be readable from outside the vehicle)) in the matter described at time of issuance.

(3) Motorcycle parking permits are to be placed in a conspicuous location on the front fork, handlebar, or fender of the motorcycle.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-304 DISABILITY PERMIT. Any ((college)) University employee ((or)), student or visitor who can show physical disability may apply to the ((Traffic Committee)) Campus Police Department for a disability parking permit. Certification by a physician may be required ((by the Traffic Committee)).

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-305 SPECIAL PARKING PERMITS. Special parking permits are available ((for faculty, staff and students)) from the Campus Police Department or automatic ticket dispensers. ((Special parking)) These permits ((shall be available at the rates specified on the special parking permit fee schedule as published and made available in the Campus Police Department)) must be displayed in clear view on the dash of the vehicle, printed side readable from outside the vehicle. ((They are available for the following reasons:))

(1) ((When a)) A special permit is available when permitted vehicle is inoperative and replacement vehicle being used (no cost).

((2) When a vehicle for which a permit has not been purchased is being used for a short period of time:))

((3)) 2) ((When a vehicle is being used)) Permits are available for ((purposes of)) loading and unloading. The time limit is thirty (30) minutes.

(3) Vendor permits are available for non-contracted vendors conducting business on campus.

(4) Persons possessing a valid parking permit may purchase a second permit for the sum of \$2.00 per quarter. Both vehicles may not be parked on campus simultaneously.

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 24, filed 7/30/75)

WAC 106-116-306 TEMPORARY PARKING PERMITS. ((+)) Temporary parking permits may be:

(1) ((p)) Purchased on a daily basis from coin-operated dispensers in Lots B, C-1 and D.

(2) ((Temporary parking permits may be obtained in)) Purchased from the Cashier((s Office)) in Mitchell Hall on a weekly basis ((or from automatic ticket dispensing machines located in parking lots B and C-1 (Nicholson Pavilion))).

(3) ((Loading-Unloading permits are obtained at the Campus Police Office.)) Obtained through the Scheduling Center in the Samuelson Union Building for attendees of conferences, workshops, and meetings scheduled through that office.

((4) Sponsors of conferences on the campus may obtain special parking permits for persons attending a conference by arrangement with the Scheduling Center in the Samuelson Union Building:))

AMENDATORY SECTION (Amending Order 28, filed 8/2/76)

WAC 106-116-307 PARKING FEES ((PER-VEHICLE)).

((1) Faculty-Staff, 12 months, automobile	\$20.00
(2) Faculty-Staff, 9 months, automobile	\$15.00
(3) Student, 12 months, automobile	\$20.00
(4) Student, 9 months, automobile	\$15.00
(5) Faculty-Staff, per academic quarter, automobile	\$ 6.00
(6) Student, per academic quarter, automobile	\$ 6.00
(7) Additional vehicle permits, same owner, 12 months	\$ 8.00
(8) Additional vehicle permits, same owner, per academic quarter	\$ 2.50
(9) Mechanically dispensed permits, any vehicle, per day	\$.25
(10) Motorcycle permits, 12 months	\$ 8.00
(11) Motorcycle permits, 9 months	\$ 6.00
(12) Motorcycle permits, per academic quarter	\$ 2.50
(13) Impound fee	At Cost

Parking fees for University parking lots will be charged through the sale of permits according to a schedule of charges maintained in the Cashier's Office in Mitchell Hall. Governmental vehicles are fee exempt.

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 24, filed 7/30/75)

WAC 106-116-310 CONTRACTOR ((AND VENDOR)) PARKING PERMITS. (1) All contractors responsible for construction ((of new buildings)) projects on the campus or for repair and maintenance contracts and those who make continuous deliveries of supplies must contact the Campus Police Department prior to starting work to obtain permits for the parking of those vehicles necessary to carry on the work.

~~((2) Vendors who conduct business with the College on a regular basis must obtain Vendor Parking Permits in the Campus Police Department or permits from the permit dispensing machines.~~

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 24, filed 7/30/75)

WAC 106-116-311 PARKING FEE REFUNDS.

(1) Application for parking permit fee refunds are to be made at the Campus Police Department. The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven (7) calendar days of any academic quarter in which the permit is issued.

(3) Refunds are only permitted under the following conditions:

- (a) Student teaching, or other off-campus program;
- (b) Withdrawal from the ((College)) University;
- (c) Termination of employment.

~~((4))~~ (d) Refunds will not be made for daily permits.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-312 PERMIT REVOCATION. Parking permits are the property of the ((College)) University and will be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued, changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized individual.
- (3) When there is falsification of the vehicle ownership statement.
- (4) When there is counterfeiting or altering of a parking permit.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-401 DEFINITION OF A VISITOR. For the purpose of issuance of parking permits, a visitor is considered to be any person who is on Central Washington ((State College)) University property ((for

~~business or professional reasons)) and is not a member of the faculty, staff, or a student. The definition of a visitor also includes parents and other individuals specifically invited to the campus by faculty, staff, or students for a specific period of time.~~

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-402 RESPONSIBILITY OF ((A)) VISITOR. Visitors shall comply with all ((college)) University parking and traffic regulations ((and shall be held responsible for such compliance by all users of their vehicles)).

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-403 VISITOR PARKING PERMITS. Visitors may obtain parking permits from the Campus Police Department or from the automatic permit dispensers. The Campus Police Department is located at 11th and D Streets, near the entrance to parking area "B". The automatic permit dispenser is near the entrance in "B" Lot ((and in)) "C-1" Lot in front of Nicholson Pavilion, and "D" Lot.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-404 VISITOR PARKING AREAS. Visitors may park in any ((College)) University owned and designated parking area except Staff and Faculty reserved areas and "J" Lot ((J)), if a proper permit has been obtained. They may park at any metered parking area, if meter fee is paid.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-501 BASIC SPEED LIMIT. (1) The speed limit on the ((College)) University campus is 20 MPH.

(2) The speed limit in the parking areas is 5 MPH.

(3) No person shall operate a motor vehicle on the campus at a speed greater than is reasonable and prudent for existing conditions.

(4) The ((S)) speed limit for service vehicles on malls and service drives is 5 MPH.

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 24, filed 7/30/75)

WAC 106-116-513 PROCEDURE—((SUMMONS)) CITATIONS AND SERVICE THEREOF.

Upon probable cause to believe that a violation of these regulations has occurred, an appropriate ((summons or parking/traffic violation)) citation notice may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such ((summons)) citations may be served by delivering or mailing a copy

thereof to the alleged violator, or by placing a copy thereof in some prominent place within, upon or attached to such vehicle. Service by mail shall be accomplished by placing a copy of the ((summons)) citation in the mail addressed to the alleged violator at the address shown on the records of the Office of the Registrar or the Staff Personnel Office for that person or any other last known address of that person.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The ((summons or parking violation notice)) citation issued pursuant to WAC 106-116-513 of these regulations shall ((direct)) inform the alleged violator that he/she may elect to either forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the Court of the Justice of the Peace for Kittitas County, otherwise known as the Lower Kittitas County District Court.

(1) If the alleged violator chooses to forfeit the fine(s), he/she may do so by paying the appropriate amount to the Justice of the Peace for Kittitas County. Payment will be in cash, by certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the office of the Justice of the Peace for Kittitas County and requesting a date to appear in court.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-515 PROCEDURE—COMPLAINT AND INFORMATION. (1) A ((summons)) citation served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed((:)); the person to whom a permit was issued for the vehicle in which it was placed or to which it was attached((:)); or if no permit for the vehicle cited has been issued, to the owner of the vehicle ((in which it was placed or to which it was attached)).

(2) The complaint or information may be amended at any time, either in writing delivered or mailed to the alleged violator or upon motion at trial in his presence, to include new charges of violations of these regulations.

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 24, filed 7/30/75)

WAC 106-116-521 FINES AND PENALTIES.

(1) The fines or penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-((602)) 603.

(2) The Chief of Campus Police will cause ((these regulations or a reasonable condensation thereof to be)):

(a) These regulations or a reasonable condensation thereof to be ((P)) prominently displayed in the Campus Police Department.

(b) The amount of the fine to be written on the parking violation notices served on alleged violators.

AMENDATORY SECTION (Amending Order 24, filed 7/30/75)

WAC 106-116-601 ((REGULATORY)) TRAF-
FIC REGULATION SIGNS, MARKINGS, BARRI-
CADES, ETC. (1) The Campus Police ((Officers)) and Physical Plant ((Department)) are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington ((State College)) University. Such signs, barricades, structures, markings and direc-
tions shall be so made and placed as to, in the opinion of the Campus Police Department and Physical Plant ((Department will)), best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No ((person without authorization from the Chief of Campus Police shall move, deface, or in any way change a)) sign, barricade, structure, marking, or direc-
tion ((so placed, or previously placed;)) for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authoriza-
tion from the Chief of Campus Police.

AMENDATORY SECTION (Amending Order 34, filed 4/21/77)

WAC 106-116-603 FINES SCHEDULE FOR COURT.

Offense	Fine
(1) Improper display of permit	\$1.00
(2) Parking faculty-staff area	\$1.00
(3) Parking yellow stripe or curb	\$2.00
(4) Parking outside designated parking area	\$2.00
(5) Live parking area	\$2.00
(6) Obstructing traffic	\$2.00
(7) Double Parking	\$2.00
(8) Parking at improper angle or using more than one stall, or backing into parking stall	\$2.00
(9) Violati((ng)) on of the bicycle parking rules in WAC 106-116-901	\$1.00
(10) Reserved parking area	\$2.00
(11) No parking area	\$2.00
(12) Failure to remove keys from ignition	\$2.00
(13) Overtime parking	\$1.00
(14) Vehicle not registered	\$2.00
(15) Falsification of vehicle registration	\$5.00
(16) Using counterfeit, falsely made or altered permit	\$10.00
(17) Illegal use of permit	\$10.00
(18) No current permit	\$2.00
(19) Parking service drive	\$2.00
(20) Parking/driving sidewalks, malls	\$5.00

Offense	Fine
(21) Parking/driving lawns	\$10.00
(22) Parking fire lane	\$10.00
(23) Parking fire hydrant	\$10.00
(24) ((Possession of prohibited)) <u>Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)</u>	\$10.00
(25) Other violations of the objectives of the ((CWSE)) <u>CWU</u> Parking and Traffic Regulations	\$1.00 to \$10.00
(26) (a) When a ((ticket or summons)) citation for offenses (1), (2), ((3)) <u>(9)</u> , ((10)) and ((14)) <u>(13)</u> is issued, any violator may, within one (1) full business day of the issuance thereof, present such ((ticket or summons)) citation to the District Court office in the Kittitas County Courthouse and therewith pay \$.75 and no additional fine or penalty shall be imposed for such violation.	
((b)) <u>(b)</u> When such ticket or summons is issued for a violation of (1), (2), (3), (10), and (14) and the violator fails to present same within one (1) full business day thereafter, any such violator may within ten (10) calendar days of the issuance thereof present such ticket at the District Court office and pay the sum of \$2.00 and no additional fine or penalty shall be imposed for such violation.	
((c)) <u>(b)</u> The Court Commissioner of the Kittitas County District Court and authorized deputies, or during nonbusiness hours of said Court the office of the Sheriff of Kittitas County will accept payments made under this rule.	
((d)) <u>(c)</u> This schedule of fines and provisions for payment corresponds with rules laid down by the Lower Kittitas County District Court, the Justice of the Peace for Kittitas County. This Court ((with)) may issue arrest warrants for fines not paid within ten (10) days.	

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 24, filed on 7/30/75)

WAC 106-116-701 IMPOUNDING PROCEDURES. (1) Any vehicle parked upon the Central Washington ~~((State College))~~ University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the State of Washington and the Traffic Code of the City of Ellensburg, may be impounded and taken to such place for storage as the Chief of Campus Police selects.

(2) The expense of such impounding ~~((s))~~ and storage shall be charged to the owner or operator of the vehicle and paid ~~((by him))~~ prior to the release of the vehicle.

(3) ~~((CWSE))~~ CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 24, filed on 7/30/75)

WAC 106-116-901 BICYCLE PARKING AND TRAFFIC REGULATIONS. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

~~((2))~~ All bicycles operated on campus shall have a City of Ellensburg bicycle license.

~~((3))~~ (2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycle do not interfere with pedestrian traffic.

~~((4))~~ (3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride or park bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians having right-of-way, ~~((A))~~ at times and places of congested pedestrian traffic, the bicycle rider must walk the bicycle. A violation of this provision shall constitute a moving violation and shall be referred directly to the Court of the Justice of the Peace for Kittitas County.

(d) Bicyclists must observe the 5 MPH speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist and on the rider's right hand side of any mall or traffic way.

~~((5))~~ (4) Impounding for illegal parking:

(a) Bicycles parked on paths, sidewalks, in buildings or near building exits may be impounded. Except in areas adjacent to residence halls, bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the Chief of Campus Police. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven (7) days.

(c) Abandoned, lost or found bicycles shall be subject to sale in accordance with the laws of the State of Washington applicable to such sales conducted by law enforcement authorities.

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

WSR 78-02-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1265—Filed Jan. 13, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington the annexed rules relating to AMD: chapters 388-81, 388-82, 388-83, 388-84, 388-85, 388-86, 388-87, 388-92 and 388-93 WAC relating to medical care.

This action is taken pursuant to Notice No. 7918 filed with the code reviser on 12/9/77. Such rules shall take effect: pursuant to RCW 34.04.040 (2).

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

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

APPROVED AND ADOPTED January 11, 1978.

By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 299, filed 9/6/68)

WAC 388-81-050 RESTITUTION. (1) If a recipient of medical care was not eligible for such care or comes into possession of resources which he fails to disclose to the department, the amount of such medical care payment made by the department on his behalf which could have been met by his undisclosed resources shall be an overpayment and a debt due the department. (See chapter 388-44 WAC for definition of overpayment and procedures pertaining to repayment by grant recipients.) Reimbursement cannot be collected from a grant for vendor payments incorrectly paid for medical care.

(2) If repayment is not obtained from a nongrant recipient, the case and the files relative thereto shall be forwarded to the ((state)) office ((support enforcement and collections unit)) of reimbursements for such further action as deemed necessary. However, in no event shall a lien be filed while the ineligible recipient or his dependent spouse is still living unless the claim has been reduced to judgment in a superior court of the state of Washington.

AMENDATORY SECTION (Amending Order 299, filed 9/6/68)

WAC 388-82-005 MEDICAL CARE—GENERAL DESCRIPTION OF PROGRAMS. There are two programs under which medical care is available. Medical assistance (MA) provides full scope of medical care ((within limitations of available funds)) to individuals whose needs can be related to a federal category.

Medical care services (MS) provides a generally more limited scope of care financed entirely by state funds to those who cannot be so related.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) **WAC 388-82-040 MEDICAL CARE FOR CUBAN REFUGEES.**

AMENDATORY SECTION (Amending Order 1097, filed 2/13/76)

WAC 388-82-015 "H" CATEGORY (FEDERAL AID). (1) An applicant for the "H" category of medical assistance shall meet the following eligibility conditions:

(a) Not be eligible for or related to AFDC as outlined in WAC 388-82-012,

(i) Obstetric care, other than abortion, is considered to be care of the unborn child with the mother's care considered as incidental. The parents of a pregnant minor are not financially responsible for the unborn child of the minor and therefore are not responsible for the costs associated with the pregnancy. An unmarried pregnant minor, who is otherwise financially eligible, is eligible under the AFDC-related category (rather than the H-program) on behalf of the unborn for the prenatal care and for six weeks of postpartum care. After the postpartum period of care, the minor mother's nonobstetrical medical care continues as the responsibility of her parents. Parents continue to be financially responsible for medical costs associated with abortion of a pregnant minor as they are for any nonobstetric care. (See WAC 388-82-015(4))

(b) Be a resident of the state of Washington, and

(c) Be under the age of 21, or if age 21 or over, be pregnant, and

(d) Be financially in need according to WAC 388-83-035 through 388-83-055, or be a recipient of general assistance.

(2) Marital or emancipation status does not affect eligibility. The applicant may be single, married, divorced, separated, emancipated or not, a parent or not a parent.

(3) The parent (age 21 or older) of an applicant for "H" category of medical assistance must qualify in his own right under the medical assistance or medical care services programs.

(4) The pregnant individual over 21 may qualify under the "H" category because of the eligibility of the unborn child. Prenatal and six weeks postpartum care is provided and certified to the end of the month in which the postpartum care is provided.

NEW SECTION

WAC 388-83-028 EXTENDED ELIGIBILITY.

(1) Persons who, in August, 1972, received OAA, AFDC, AB, or DA and also received RSDI benefits, and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for federal aid medical care only (FAMCO). The provisions of WAC 388-83-045(8)(a) shall apply.

(2) Applicants for FAMCO or AFDC who were entitled to RSDI benefits in August, 1972, and would have been eligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility for FAMCO. The provisions of WAC 388-83-045(8)(b) shall apply.

(3) An AFDC grant assistance family which becomes ineligible because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility,

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment,

(d) Participation shall not be required.

(4) Persons who become ineligible for SSI benefits and/or state supplementary payments in July, 1977, solely because of OASDI cost-of-living benefit increases under PL 94-566, section 503 shall remain categorically eligible for medical assistance (MA). This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility, etc.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-83-027 MEDICAL NEED.

AMENDATORY SECTION (Amending Order 994, filed 12/31/74)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA), the department shall authorize ambulance service and other means of transportation for medical reasons, early and periodic screening services to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) ~~((Within limitations of available funds,))~~ The following additional services shall also be authorized when medically necessary: anesthetization services; blood; dental services; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations;

medical-social services; oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. (See WAC 388-86-050(5)).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) When requested medical care and/or services are denied by the department, the recipient shall be sent a written notification of the denial and explanation of the decision.

NEW SECTION

WAC 388-86-008

PATIENT

OVERUTILIZATION. (1) The department may require an individual to designate a primary physician and/or a single pharmacy for exclusive provider service in an effort to:

(a) Protect the individual's health and safety;

(b) Provide continuity of medical care;

(c) Avoid duplication of service by providers;

(d) Avoid inappropriate and unnecessary utilization of medical assistance.

(2) The department may initiate this action whenever payment records and other information indicate that the prescription of medications exceeds the safe maximum dosages published in current medical and pharmacological references including Physicians' Desk Reference published by Medical Economics Company, Oradell, New Jersey 07649, and Facts and Comparisons published by Facts and Comparisons, Inc., Gene H. Schwach, President, 12011 Marine Avenue, Suite 220, St. Louis, MO 63141.

(3) The individual will be given written notice of his overutilization and the opportunity to select a primary physician and a single pharmacy. The notice will advise the individual that failure to cooperate in this procedure will justify the department's requiring prior approval for all nonemergent medical services and in listing the name of the individual on a provider information memorandum. It will also include the individual's right to request a fair hearing within 30 days if he disagrees with the findings and the department's action.

(4) In the event of a bona fide emergency, the individual may be seen by a physician other than one selected. The primary physician may also refer him to a specialist when necessary.

Code Book

AMENDATORY SECTION (Amending Order 1202, filed 4/1/77)

WAC 388-86-012 AUDIOMETRIC SERVICES.

(1) Evaluation of hearing by audiometric equipment is available to recipients of continuing assistance or FAMCO when(:

- (a) ~~Testing is not solely to determine need for a hearing aid, see WAC 388-86-040(2)(c), and is~~
- (b) ~~administered by an approved audiologist and/or specialist in ENT(, and~~
- (c) ~~Provided in connection with medical diagnosis and treatment)).~~

AMENDATORY SECTION (Amending Order 1162, filed 10/13/76)

WAC 388-86-020 DENTAL SERVICES.

(1) The department shall provide dental care subject to limitations and conditions set forth in the contract between the department and the Washington dental service.

(2) Prior authorization is required for basic dental services for recipients of medical assistance (MA) and for continuing general assistance (GAU). Prior authorization is not required for emergency dental care as defined in the contract if all needed services are completed within fourteen days from the date of first examination. For dental services provided to recipients of EPSDT see WAC 388-86-027(1)(c) and (3). For out-of-state dental care see WAC 388-86-115(5).

(3) Dental services for recipients of noncontinuing general assistance who cannot be related to a federal aid program or to Title XVI, or recipients of medical only (MO) who have satisfied the deductible of \$100 are subject to the following limitations.[:]

(a) No care is provided outside the state of Washington except in border situations as specified in WAC 388-82-030(4).

(b) Dental treatment is limited to the relief of pain, which may or may not involve extraction, and surgical repair of the maxilla and/or mandible.

(4) Other services, ((including)) such as dentures, not considered basic services may be provided only by prior approval of the department's dental consultant((, within limitations of available funds)).

(5) Dentures provided by the department but subsequently lost will not be replaced except in extenuating circumstances and only when approved in advance by the chief of the office of medical assistance.

(6) Hospitalization for dental conditions, other than acute and emergent, requires prior approval of the chief of the office of medical assistance or his designee. Hospitalization for acute and emergent dental conditions requires approval.

AMENDATORY SECTION (Amending Order 1166, filed 10/27/76)

WAC 388-86-023 CHIROPRACTIC SERVICES.

(1) ~~((Within the limitations of funds appropriated for chiropractic,))~~ Services of a chiropractor, licensed by the state of Washington to perform within the scope of his license, shall be authorized.

(2) Services shall be subject to the following:

(a) Services shall be confined to treatment of recipients of continuing state or federal aid grants or federal aid medical care only.

(b) Treatment shall be restricted to adjustment by hand any subluxation of the spine.

(c) X-rays shall be limited only to the following spinal areas:

- (i) Cervical, anterior-posterior and lateral,
- (ii) Thoracic (dorsal), anterior-posterior and lateral,
- (iii) Lumbar and/or lumbo-sacral, anterior-posterior and lateral.

(d) Chiropractic consultation requires prior approval by the state office except that three treatments for acute and emergent conditions may be given out of state without prior approval for recipients related to federal programs.

(3) An eligible recipient desiring the services of a chiropractor shall have free choice of such services.

(4) Limitations specified in preceding subsections of this rule and in WAC 388-87-047 are absolute; no deviation will be permitted.

AMENDATORY SECTION (Amending Order 1202, filed 4/1/77)

WAC 388-86-040 HEARING AIDS.

(1) The department shall provide~~((, within available funds,))~~ to recipients who are ~~((age 21 or over and))~~ eligible for continuing assistance or FAMCO:

(a) One new hearing aid ~~((with a one-year warranty which becomes the personal property of the recipient and/or~~

~~(b) A one-time repair of a state-owned or privately-owned hearing aid with a 90-day warranty.~~

~~Thereafter, the owner is responsible for repairs upon expiration of warranty and for purchase of batteries, any attachments and replacements.~~

~~(2) The following criteria must be met:~~

~~(a) A minimum of 50 decibel loss in the better ear based on auditory screening by an approved provider~~

~~(b) Physical and mental competence to operate the hearing aid instrument~~

~~(c) Financial eligibility for continuing assistance or FAMCO~~

~~(d) Individuals under age 21 must be referred to the crippled childrens' service conservation of hearing program~~

~~(e) Separate reimbursement for audiometric evaluation to determine the need for a hearing aid is not provided:))~~ under the following conditions:

(i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, within six months prior to receiving hearing aid dispenser services, and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated, and

(iii) When covered by a one year warranty, and/or

(b) One-time repair of a state purchased or privately owned hearing aid when covered by a ninety day warranty.

(2) Prior approval is required for the purchase or trial period rental of hearing aids and for one-time repair of a state purchased or privately owned hearing aid.

(3) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.

(4) Individuals under age twenty-one must be referred to the Crippled Children's Service Conservation of Hearing Program.

(5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-86-045 HOME HEALTH SERVICES. The department shall provide ~~(, within the limitations of funds available,)~~ home health nursing ~~((visits))~~ and other services for which the home health agency has been certified as requested by the attending physician and furnished by a home health services agency certified by the division of health. Approval by the office of medical assistance is required for any care extending beyond the second calendar month and any care which exceeds \$350.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

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 listed below, the recipient will have free choice of hospitalization.

(2) Approval by the local medical consultant is required for admission to a hospital.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, United States", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(44) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with specified information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the ESSO or regional office where such is employed.

(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 under age 21 and for all recipients age 65 and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. (See WAC 388-82-025).

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. (See WAC 388-82-025.)

(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 hospital admission shall 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) Local medical consultant 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.

AMENDATORY SECTION (Amending Order 1202, filed 4/1/77)

WAC 388-86-090 PHYSICAL THERAPY. Physical therapy, other than that provided in a hospital as part of inpatient treatment, may be authorized ~~((within the availability of funds))~~ only when such therapy:

(1) Will avoid the need for hospitalization, or
 (2) Will reduce the length of stay of a recipient in a nursing home, or
 (3) Will assist the recipient in becoming employable,
 or

(4) Is medically indicated in unusual circumstances and is requested by the attending physician and concurred with by the medical consultant, or

(5) Is performed by a registered physical therapist and has ~~((prior))~~ approval by the local medical consultant.

AMENDATORY SECTION (Amending Order 1230, filed 8/23/77)✓ WAC 388-86-095 PHYSICIANS' SERVICES.

The department shall purchase the services of physicians participating in the program on a fee-for-service basis subject to the exceptions and restrictions listed below.

(1) Physicians' services are provided through contract agreements for certain voluntary child care agencies and maternity homes according to WAC 388-86-105.

(2) Cost of a physical examination is authorized only for recipients related to federal programs under the following circumstances:

(a) For admission to skilled nursing facility if within 48 hours of admission or change of status from a private-pay to a medicaid-eligible patient, see WAC ((388-88-095(3))) 388-88-085(3).

(b) Given as a screening under the EPSDT program; see WAC 388-86-027.

(c) For physical examination not covered by medicaid, see the following:

(i) AFDC incapacity, see WAC 388-24-065(3)(c)

(ii) Determination of whether an individual's health will or will not permit his return to his home, see WAC 388-28-420(4)(b)

(iii) Request by the claimant or examiner in a fair hearing procedure, see WAC 388-08-503

(iv) Foster home placement, see chapter 388-70 ((WAC 388-70-016(2))) WAC

(v) Adoptive home placement, see WAC ((388-70-100(4))) 388-70-440(d)

(vi) Employability for WIN program, see WAC 388-24-107(1)(b)

(vii) Incapacity for GAU program, see WAC 388-37-032(4).

(3) Combined dosage immunizations are authorized only when not otherwise available through local health facilities at no cost or as part of EPSDT screening.

(4) When covered services of a consultant or specialist are necessary, approval need not be obtained from the medical consultant. Payment shall be made in accordance with local medical bureau practices. A fee for consultation shall not be paid when the specialist subsequently performs surgery or renders treatment for which flat fees or fees-for-service accrue.

(a) On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services. Any additional specialist or consultant requests shall be justified by the attending physician and approved by the medical consultant.

(5) Limitations on payment for physicians' services:

(a) Payment for physicians' calls for nonemergent conditions in the office, home, intermediate care facility, nursing home, or outpatient department of a hospital is limited to one call per month except for screening under the EPSDT program if such screening is an additional visit during the month. Requests for payment for additional visits must be justified on form DSHS 525-100 at the time the billing is submitted by the physician.

(b) Payment for physicians' calls in ((an extended care)) a skilled nursing facility shall be limited to two calls per month. Requests for payment for additional visits must be justified on form DSHS 525-100 as in subdivision (5)(a).

(c) Payment for treatment of new and acute conditions with necessary X-ray, laboratory and consultative services shall be limited to two calls. Requests for payment for additional calls must be justified on form DSHS 525-100.

(d) On occasion, the physician may treat several members of a family in one office visit. An initial office fee is paid for the first member; payment for the remaining visits will be based on equitable adjustment determined by the medical director.

(e) Payment for hospital calls is limited to one call per day. This is applicable to other than flat fee care.

(f) Treatment for psychiatric or mental conditions by a psychiatrist shall be limited to one hour a month individual psychotherapy or equivalent combinations. When the individual is in an acute phase, however, up to a maximum of two hours psychotherapy may be authorized, when justified, during the first month of treatment. Subdivisions (5)(a) through (5)(e) also apply unless other rules take precedence. See WAC 388-86-067(1) for service provided by a contracting mental health center.

(6) All surgical procedures require approval by the medical consultant.

(a) Nonemergent surgical procedures require prior approval by the chief of the office of medical assistance or his designees, including medical consultants employed full time by the department. Minor surgery and diagnostic procedures performed in a physician's office do not require prior approval. Surgery for cosmetic and self-limiting conditions and CAT scans must have prior approval.

(7) A recipient of public assistance is not required to obtain medical care in the county of his residence. (See also WAC 388-83-025.)

(8) For limitations on out-of-state physicians' services see WAC 388-86-115.

AMENDATORY SECTION (Amending Order 1202, filed 4/1/77)

✓ WAC 388-86-098 SPEECH THERAPY SERVICES. (1) Speech therapy, when required as an adjunct to necessary treatment of a medical or remedial condition for which the department has assumed initial responsibility, may be authorized subject to the ((availability of funds and)) following:

(a) The evaluation and/or treatment must have prior approval by the local medical consultant,

(b) The fee for service must be agreed to in advance of therapy,

(c) The services must be performed by a speech pathologist who has been granted the certificate of clinical competence by the American speech and hearing association, or who has completed the equivalent educational and work experience necessary for such a certificate,

(d) The department reserves the right to limit the number of treatments based on professional judgment. See WAC 388-87-025(2)(p).

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-86-100 SURGICAL APPLIANCES—PROSTHETIC DEVICES—AIDS TO MOBILITY. (1) The department shall authorize the purchase or rental of surgical appliances, prosthetic devices, aids to mobility and other durable medical equipment only when such items will

- (a) reduce the length of hospitalization,
- (b) aid the rehabilitation of an employable person,
- (c) enable the person to return to or continue to live in his own home,
- (d) be used full time by a nursing home patient who will benefit materially from its use,
- (e) result in financial saving to the department.

(2) No approval is required for the purchase of external braces involving the neck, trunk and extremities.

(3) Other non-reusable items costing less than \$150 do not require approval if provision of the appliance will expedite a recipient's release from a hospital.

(4) Prior approval by the office of medical assistance is required for:

(a) Purchase of reusable medical appliances and aids to mobility costing more than ~~((50))~~ five hundred dollars,

(b) Purchase of non-reusable surgical appliances or prosthetic devices costing more than ~~((100))~~ five hundred dollars, except as described in subsection (2),

~~((Rental of durable medical equipment regardless of cost;~~

~~All repairs to state or privately owned equipment.))~~ All other appliances, rentals and repairs require prior approval by the local medical consultant.

(5) A recipient who has medicare Part B benefits must utilize this resource for the purchase or rental of any items provided by medicare. Payment of medicare coinsurance and deductibles by the department for purchase of all items costing more than ~~((50))~~ five hundred dollars, except as described in subsection (2), ~~((and for all rentals))~~ must have prior approval of the office of ~~((personal health services))~~ medical assistance.

(6) ~~((Reusable))~~ Medical appliances ~~((belong to))~~ purchased by the ~~((state and are supplied to eligible recipients on a loan basis))~~ department become the property of the recipient.

AMENDATORY SECTION (Amending Order 112, filed 8/19/74)

WAC 388-86-112 PHYSICAL MEDICINE AND REHABILITATION EVALUATION AND REVIEW.

(1) The department may authorize physical medicine and rehabilitation inpatient evaluation and review for a period not exceeding one week when all the following conditions are met:

(a) The person suffers from severe motor disabilities following accident or illness such as stroke,

(b) The person has been rejected by the department's division of vocational rehabilitation for such medical service on the basis that there is little or no potential for gainful employment,

(c) Physical medicine and rehabilitation treatment would potentially enable the person to move from the hospital to a nursing home or from a nursing home to adult family home or from an adult family home into his own assisted and/or independent living situation, or afford the bedridden person cared for in his own home a degree of self-care and independence,

(d) No other financial resources are available,

(e) Prior approval of the state office of ~~((personal health services))~~ medical assistance is obtained.

(2) Extension of the evaluation and review for a period up to ninety days may be authorized by the office of ~~((personal and health service))~~ medical assistance if requested and justified by the physical medicine and rehabilitation facility.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-86-120 STATE FINANCED MEDICAL CARE SERVICES. (1) A recipient of continuing general assistance who cannot be related to a federal aid category is eligible to receive the same scope of care as a recipient of medical assistance, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4).

(2) A recipient of noncontinuing general assistance who cannot be related to Title XVI and recipients of medical only shall be authorized for treatment of acute and emergent conditions only. A deductible of \$100 per family over a twelve month period from date of a denied application for medical care shall be required before a positive determination of eligibility for medical only may be made. (See WAC ~~((388-83-045(7)(d)))~~ 388-83-045(2)(e)).

(a) Citizenship is not a requirement of eligibility.

(b) All treatment and drugs must be approved by the medical consultant (see WAC 388-87-025(1)).

(c) Recipients undergoing detoxification for an acute alcoholic condition are not required to incur the \$100 deductible as an eligibility factor for the covered period of detoxification.

(d) Care for mental or psychiatric conditions is limited to hospitalization for an acute and emergent condition. Voluntary admission and involuntary commitment by the court are covered by the program for eligible recipients (see WAC 388-86-050(3)(a) and (b) for other limitations on stay).

(e) Hearing aids and eyeglasses are not provided. Dental service is limited to relief of pain (see WAC 388-86-020).

(f) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(g) An "acute condition" is defined as having a short and relatively severe course, not chronic; and "emergent condition" is defined as occurring unexpectedly and demanding immediate action. In programs in which care is

limited to the treatment of acute and emergent conditions it is understood that:

(i) The condition must be justified as acute and emergent, except that

(A) included will be those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent situation;

(B) family planning and obstetrical care will be provided;

(C) when other care, including necessary drugs, is requested by the attending physician and approved by the local medical consultant as medically necessary, approval may be granted for service that might otherwise be excluded. See WAC 388-86-032.

(D) detoxification for an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(ii) Once care is initiated, it is continued to a logical completion; that is, the provided care is complete in amount, duration, and scope within the limitations of the medical care program.

(iii) In addition, an acute and emergent condition will be assumed to exist when an applicant for medical care indicates he has an undefined medical condition. Provided financial eligibility has been established, at least one office call will be allowed for diagnosis. Treatment will be contingent upon the criteria for acute and emergent being met.

(h) If the department is notified within seven days of the date medical care began or within seven days after an individual who is admitted in a coma to a hospital or other treatment facility becomes rational, certification shall cover this period if all eligibility factors have been met. The three month retroactive certification period referred to in WAC 388-84-005(2) does not apply to the fully state funded medical program. If notification is received in the local office subsequent to the seventh day of initiation of service, certification shall begin on the date notification is received, with allowance for mail delivery. Seven days shall include the date of initiation of services but shall not include Saturday, Sunday or legal holidays.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-070 NURSING SERVICES.

AMENDATORY SECTION (Amending Order 1015, filed 3/27/75)

WAC 388-87-013 CONDITIONS OF PAYMENT—HOSPITAL CARE. (1) A hospital must request approval of admission from the local medical consultant before payment is made.

(2) The department will not be responsible for payment for additional days of hospitalization in the case of a hospitalized recipient when the PAS limitations have been exceeded and the provider has not requested an extension within sixty days of final service or an extension request has been denied unless prior contractual arrangements are made by the department for a specified

length of stay. Payment for the additional time spent in the hospital would then depend upon any private agreement or contract between the provider and the patient.

(3) A beneficiary of Title XVIII medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before payment for hospitalization will be made from Title XIX funds.

AMENDATORY SECTION (Amending Order 1151, filed 9/8/76)

WAC 388-87-015 BILLING LIMITATIONS—SIXTY-DAY PERIOD. (1) Providers shall submit their charges at least monthly and shall present their final charges not more than sixty days after termination of services. See RCW 74.09.160. An exception to this shall be made as a result of a fair hearing decision or court order involving a fair hearing decision which is favorable to the recipient. In such case, providers must present final charges to the department within sixty days of the day of the decision or the date the order was entered (see RCW 74.08.080).

(2) When it is obvious that clearance of resources for an applicant will require more time than the sixty-day billing period permits, an immediate request for permission for late billing shall be made to the department's state office. Permission for late billing cannot be granted if the request is received after expiration of the sixty-day billing period.

(3) The sixty-day billing limitation does not apply to those individuals eligible for federal aid medical care whose medical care and services are being paid for during the three-month retroactive period prior to the month of application. The sixty day limitation begins for such eligible individuals as of the date of certification. (See WAC 388-87-010(5)).

(4) The sixty day billing limitation does not apply to those individuals receiving supplemental security income benefits or disability related medical assistance when notification of related eligibility for medical care and services is delayed in the federal and state data processing system. The sixty day limitation begins for such eligible individuals on the last day of the month of certification. Medical only (mo) certifications may be similarly delayed pending disability determination.

AMENDATORY SECTION (Amending Order 1244, filed 10/10/77)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) All services rendered recipients of medical only or recipients of noncontinuing general assistance not relatable to federal aid or Title XVI program require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for noncontinuing general assistance or medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless \$100 in medical costs have been accrued within seven days prior to application. Subsequent to such denial a noncontinuing general assistance or medical only applicant has

twelve months from the date of application to incur \$100 in medical costs. For this one office call only, the signature on the authorization form may be by an ESSO designee whose signature is on file in the professional audit section.

(2) Services to recipients of medical assistance and continuing general assistance requiring approval are

(a) All surgical procedures and X-ray therapy require approval by the local medical consultant - see WAC 388-86-095(6) and 388-86-110. The requesting physician shall submit form 525-100 to the ESSO. Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon.

(i) Prior approval for all nonemergent surgical procedures shall be obtained from the chief of the office of medical assistance from his professional designee, or from the full-time medical consultant in the ESSO or regional office where such is employed.

(b) Requests for medical appliances and prosthetic devices must have prior approval with the following exceptions:

(i) External braces involving neck, trunk and/or extremities.

(ii) Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.

(c) All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form ~~((6-29))~~ 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form ~~((6-29))~~ 525-101 to the provider for billing purposes - see WAC 388-86-100.

(d) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.

(e) Drugs not listed in the department's formulary or any single prescription exceeding ~~(((\$15 in cost))~~ the maximum limit established - see WAC 388-91-020.

(f) Admission to a hospital - see WAC 388-87-070 and 388-86-050(2).

(g) Prior approval of special duty nursing care - see WAC 388-86-070.

(h) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080(1) and 388-87-080.

(i) ~~((Prior))~~ Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090(1).

(j) For certain border situations and out-of-state medical care - see WAC 388-82-030(4) and (5), and WAC 388-86-115.

(k) All major appliances - see WAC 388-86-100.

(l) Eyeglasses and examinations (may also be approved by ESSO designee) - see WAC 388-86-030.

(m) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095(4).

(n) Respiratory therapy in excess of five treatments requires approval.

(o) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical assistance:

(a) Nonemergent surgical procedures - see WAC 388-86-095(6);

(b) Prosthetic devices and major appliances - see WAC 388-86-100.

(i) Purchase of reusable medical appliances and aids to mobility costing more than ~~(((\$50))~~ five hundred dollars,

(ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than ~~(((\$100))~~ five hundred dollars except those described in WAC ~~388-87-025(2)(b)((;~~

~~((iii) Rental of all durable medical equipment regardless of cost;~~

~~((iv) All repairs to state owned or privately owned equipment)).~~

(2) With the exception of prosthetic devices and major appliances, subsection (1) does not apply to ESSOs or regions which have full-time medical consultants who are authorized to give approval.

(3) Prior approval of the ~~((chief of the))~~ office of medical assistance is required for psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012 (6)).

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020. These persons must have been approved as financially and medically eligible for hospitalization. They are:

(a) Recipients of federal aid grants, including essential persons,

(b) Children in foster care for whom the department is making payment, who are eligible for medical assistance,

(c) Recipients of continuing general assistance,

Canceled

Canceled

(d) Recipients of federal aid medical care only,
 (e) Recipients of noncontinuing general assistance or of medical only who cannot be categorically related and who have satisfied the \$100 deductible as specified by WAC 388-83-045(7)(d).

(2) Payment shall be based on

(a) the satisfaction of the criteria for the minimum deductible of \$100 for recipients of noncontinuing general assistance and of medical only (~~and~~

~~(b) On participation in the cost of medical care for those categories of recipients who are required to participate with excess income. See also WAC 388-86-050(2)).~~

AMENDATORY SECTION (Amending Order 995, filed 12/31/74)

WAC 388-87-080 PAYMENT—OXYGEN.

The initial request for oxygen on state form DSHS ((6-29)) 525-101 originating with the attending physician requires approval from the medical consultant. On repeat deliveries of oxygen, as necessary, the authorized representative in the area office may sign the succeeding state form DSHS ((6-29)) 525-101. Approval by the medical consultant is not required for these repeat deliveries.

AMENDATORY SECTION (Amending Order 782, filed 3/16/73)

WAC 388-87-090 PAYMENT—PHYSICAL THERAPY AND RELATED SERVICES. (1) The department will pay for the services of a registered physical therapist or a qualified speech pathologist or audiologist when all conditions outlined in WAC 388-86-012, 388-86-090 and 388-86-098 have been met.

(2) The department will not pay for physical therapy or speech therapy as a separate billing when provided as part of inpatient hospital services.

(3) The department will not pay a nursing home for physical therapy or speech therapy as part of its bill.

AMENDATORY SECTION (Amending Order 1019, filed 4/30/75)

WAC 388-87-095 PAYMENT—PHYSICIAN SERVICE. (1) General provisions.

(a) The physician bills for his services on a fee-for-service basis using the department's schedule of maximum allowances for physicians' services. Where no fee can be found in the schedule applicable to a complicated or unusual procedure, the physician may submit his billing at a fee he considers reasonable. The final determination of the reasonableness of such fees shall be made by the chief of the office of (~~personal health services~~) medical assistance.

(b) Form ((6-30)) 525-100 shall be used by the physician in billing for persons under age sixty-five, and for those persons sixty-five years of age and older who do not have Part B benefits under medicare.

(c) The local office may request a physician to complete a physical examination as described in WAC 388-86-095(2). In such cases, the local office requests the

physician to arrange an appointment for the individual and provides the physician with a preapproved form A-19 for billing. A predetermined fee has been established for the cost of such examination, plus necessary laboratory and X-ray procedures. If the physician completes form 13-21 from available medical records without conducting an examination, an adjusted fee shall be paid.

(2) Exclusions and limitations

(a) No payment is made to the physician for mileage.

(b) No payment is made to the physician for prescription refills.

(c) No payment will be made for podiatric items or services:

(i) Which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member,

(ii) Which constitute personal comfort items,

(iii) Where such expenses are for cosmetic surgery or are incurred in connection therewith, except as required for the prompt repair of accidental injury or for improvement of the functioning of a malformed body member, or

(iv) Where such expenses are for:

(A) The treatment of flat foot conditions and the prescription of supportive devices therefor,

(B) The treatment of subluxations (incomplete or partial dislocations) of the foot, or

(C) Routine foot care including the cutting or removal of corns, calluses, the trimming of nails, and other routine hygienic care.

(v) These limitations apply to services provided by a podiatrist in his office, in a patient's home, in a hospital or nursing home.

(d) No payment is generally made for medical supplies used in conjunction with an office visit; however, payment may be made for items such as sling and swathe, clavicle and shoulder splints, cervical collars and ace bandages, subject to the limitations of the physician's acquisition cost.

(e) When it comes to the attention of the office of (~~personal health services~~) medical assistance that a physician bills the department for inpatient hospitalization visits and the period of hospitalization has been denied, no payment will be made.

AMENDATORY SECTION (Amending Order 1019, filed 4/30/75)

WAC 388-92-015 GENERAL ELIGIBILITY. (1) Citizenship - must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States including an alien who is lawfully present in the United States according to specified sections of the Immigration and Nationality Act. (See WAC 388-26-120).

(2) Residence - see WAC 388-83-025.

(3) (~~Medical need~~)

~~(a) Beneficiaries of SSI and/or state supplement under Title XVI are not required to have a medical need in order to be eligible for medical assistance.~~

~~(b) An applicant not eligible for SSI benefits or state supplementation under Title XVI must claim to have a~~

medical need at the time of application or, for retroactivity only, at the time services were rendered. (See WAC 388-92-005(6)).

((4)) For the purposes of medical assistance related to Title XVI, the applicant must be:

- (a) Age 65 or over; or
- (b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic technique, except that an applicant for disability who is medically determined to be a drug addict or alcoholic shall be ineligible for any month unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic at an institution or facility approved for that purpose (so long as such treatment is available) and demonstrates compliance with the terms, conditions and requirements of such treatment.

((5)) (4) Temporary absence

(a) If a resident of the state of Washington is temporarily in another state and requires medical care, and is eligible for medical assistance, the responsibility for medical payment rests with the state of Washington. The standard of care will be no different than that authorized within the state.

(b) A resident of Washington who requires medical assistance outside the United States will be provided care according to WAC 388-82-030.

AMENDATORY SECTION (Amending Order 1019, filed 4/30/75)

WAC 388-92-070 PERSON CONVERTED INTO TITLE XVI. (1) An individual and the essential person who were converted to Title XVI benefits effective January 1, 1974, shall be eligible for medical assistance.

(2) When eligibility for benefits ceases, the individual shall be terminated:

- (a) The month in which such individual dies, or
- (b) The first full month in which the individual no longer meets the age, blindness or disability criteria in WAC 388-93-015, or no longer meets the residence required by WAC 388-83-025.

(3) For persons who according to WAC ((388-83-027(3))) 388-83-028 were determined ineligible for financial assistance because of the twenty per cent social security increase, eligibility for medical assistance as

categorically needy continues until other change in circumstances affects eligibility.

(4) The individual who was converted to Title XVI has the right to request termination and reapply under Title XVI standards and criteria.

(5) When an individual who was converted to Title XVI is terminated from the SSI benefit and no known medical need is indicated and subsequent application is made, eligibility will be determined according to chapter 388-92 WAC.

AMENDATORY SECTION (Amending Order 1019, filed 4/30/75)

WAC 388-93-040 COMPUTATION OF AVAILABLE INCOME. (1) Income and net income shall be as defined in WAC 388-22-030. Total income of a beneficiary of supplementary security income is not considered an available resource except for institutionalized recipients.

(2) To arrive at available income, the following items shall be deducted from net income:

- (a) Support payments being paid by the recipient under court order((-));
- (b) Special nonmedical needs, such as payment to a wage earner's plan (specified by the court in a bankruptcy proceeding), or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment((-));
- (c) Tax rebates or special payments exempted by federal regulations and publicized by numbered memoranda from the state office.

(3) The exempt earned income shall be:

- (a) For a former recipient of old age assistance or of disability assistance - the first \$20 plus one-half of the next \$60((-);
- (b) For a former recipient of aid to the blind - the first \$85 plus one-half of the amount over \$85.

(4) Personal and nonpersonal work expense shall be deducted from earned income as follows:

- (a) Mandatory deductions as required by law or as a condition of employment;
- (b) Necessary cost of public transportation or eight cents a mile for private car to and from place of employment;
- (c) Expenses of employment which are necessary to that employment such as tools, materials, union dues;
- (d) Additional clothing costs: for an individual doing clerical work, \$5.70; for an individual doing manual work, \$3.60; for persons enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing;
- (e) The cost of child care necessary to employment if not provided without cost or as departmental service. The actual expense shall be deducted but not to exceed standard in WAC 388-16-215.

WSR 78-02-025
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR
OUTDOOR RECREATION

[Memorandum from Administrator—Jan. 12, 1978]

Please refer to our memorandum to you of December 29, 1977.

Inadvertently the June meeting of the Interagency Committee was not included in that memorandum. For your information, the IAC will be meeting in June—date to be set by the Committee at its January 27, 1978 Special Meeting in Olympia.

Revised schedule is as follows:

- January 27, 1978 9:00 a.m. Olympia - Special Meeting
Transportation Commissioners' Board Room
Highways Administration Building
(Open Public Meeting at 1 p.m. concerning
Washington Administrative Code, IAC)
- March 30-31, 1978 9:00 a.m. Olympia - Regular Funding Session
(Place not yet confirmed)
- June, 1978 Review of proposed Capital and Operating
Budgets, IAC
(Place not yet confirmed)
- September 25-26, 1978 9:00 a.m. - Regular Funding Session
(Place not yet confirmed)

WSR 78-02-026
EMERGENCY RULES
DEPARTMENT OF GAME

[Order 65—Filed Jan. 16, 1978—Eff. January 19, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

WAC 232-32-101 CLOSURE OF THE SKAGIT RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Skagit and tributaries pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Skagit Cooperative System shows that as of January 16, 1978 treaty Indian fishermen have taken 3,090 steelhead from the Skagit River and tributaries. This is in excess of the numbers harvestable by treaty Indians as provided by the decision in United States v. Washington. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Skagit River and tributaries. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 16th day of January, 1978.

By Ralph W. Larson
 Director

NEW SECTION

WAC 232-32-101 CLOSURE OF THE SKAGIT RIVER AND TRIBUTARIES TO TAKING OF STEELHEAD BY TREATY INDIANS. *It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Skagit River and tributaries effective 6 a.m., January 19, 1978.*

WSR 78-02-027
EMERGENCY RULES
DEPARTMENT OF GAME

[Order 66—Filed Jan. 16, 1978—Eff. January 19, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule relating to:

WAC 232-32-102 CLOSURE OF THE HUMPTULIPS RIVER AND AREA 2C TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Humptulips River and Area 2C pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Quinault Tribal Enterprise shows that as of January 16, 1978 treaty Indian fishermen have taken 1,544 steelhead from the Humptulips River and Area 2C. This is in excess of the numbers harvestable by treaty Indians as provided by the decision in United States v. Washington. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Humptulips River and Area 2C. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 16th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-102 CLOSURE OF THE HUMPTULIPS RIVER AND AREA 2C TO THE TAKING OF STEELHEAD BY TREATY INDIANS. *It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Humptulips River and Area 2C effective 6 a.m., January 19, 1978.*

WSR 78-02-028

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 67—Filed Jan. 16, 1978—Eff. January 19, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule relating to:

WAC 232-32-103 CLOSURE OF THE ELWHA RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Elwha River pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Lower Elwha Tribe shows that as of January 16, 1978 treaty Indian fishermen have taken 980 steelhead from the Elwha River. This is in excess of the numbers harvestable by treaty Indians as provided by the decision in United States v. Washington. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Elwha River. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 16th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-103 CLOSURE OF THE ELWHA RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS. *It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Elwha River effective 6 a.m., January 19, 1978.*

WSR 78-02-029

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 68—Filed Jan. 16, 1978—Eff. January 19, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

WAC 232-32-104 CLOSURE OF THE LAKE WASHINGTON WATERSHED TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Lake Washington Watershed pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Muckleshoot Tribe shows that as of January 16, 1978 treaty Indian fishermen have taken 939 steelhead from the Lake Washington Watershed. This is in excess of the numbers harvestable by treaty Indians as provided by the decision in United States v. Washington. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Lake Washington Watershed. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 16th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-104 CLOSURE OF THE LAKE WASHINGTON WATERSHED TO THE TAKING OF STEELHEAD BY TREATY INDIANS. It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Lake Washington Watershed effective 6 a.m., January 19, 1978.

Check 20

WSR 78-02-030
ADOPTED RULES

Modified

DEPARTMENT OF LICENSING
(Board of Optometry)

[Order PL 281—Filed Jan. 17, 1978]

Be it resolved by the Washington State Board of Optometry that it does promulgate and adopt the annexed rules relating to temporary permit recommendation policy; approval of schools and colleges of optometry; recodation of credit; mobile optometric units; renting space from and practicing on premises of commercial (mercantile) concern; improper professional relationships; proper identification of licensees, amending WAC 308-53-160 and 308-53-230. Adding as new sections WAC 308-53-030, 308-53-070, 308-53-205, 308-53-235, and 308-53-260.

This action is shall taken pursuant to Notice No. 7888 filed with the code reviser on 11/23/77. Such rules take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Optometry as authorized in RCW 18.54.070(5).

(4) 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: December 15, 1977.

By: J.R. Hale, O.D.
Chairman

NEW SECTION

WAC 308-53-030 TEMPORARY PERMIT RECOMMENDATION POLICY. To protect the public, the board generally will recommend to the director issuance of a temporary permit pursuant to RCW 18.53.030 only when the temporary permittee will practice in conjunction with a currently licensed doctor of optometry. If an applicant for a temporary permit is particularly well qualified—for example, by a considerable length of practice in a state with optometry licensing standards equivalent to Washington's—the board may recommend that the director issue him a temporary permit without such restriction.

NEW SECTION

WAC 308-53-070 APPROVAL OF SCHOOLS AND COLLEGES OF OPTOMETRY. To be eligible to take the optometry examination, a person must be a graduate of an accredited school or college of optometry approved by the Washington state board of optometry. The board of optometry adopts those standards of the Council on Optometric Education of the American Optometric Association which were relevant to approval of optometric schools and colleges and current on December 15, 1977, and has approved all and only those optometric schools and colleges which were approved by the Council on Optometric Education as of December 15, 1977. Other optometric schools and colleges which apply for board approval and which meet these standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

The board reserves the right to withdraw approval of a school which ceases to meet the board's standards after notifying the school in writing and granting it an opportunity to contest the board's proposed withdrawal.

AMENDATORY SECTION (Order PL 239, filed 3/3/76)

WAC 308-53-160 RECORDATION OF CREDIT. All work for which continuing education credit is claimed shall be recorded with the division of professional licensing of the department of ~~((motor vehicles))~~ licensing in Olympia, and should be recorded within ~~((thirty))~~ ninety days of the completion of the work. Continuing education credit will be credited for the renewal period in which the work is performed, and not for the period in which the credit is recorded, if the performance and recordation occur in two different periods.

NEW SECTION

WAC 308-53-205 MOBILE OPTOMETRIC UNITS. (1) Doctors of optometry operating mobile units are required to maintain the minimum equipment requirements of WAC 308-53-200 in such units.

(2) Before examining a patient or filling a prescription for a patient, the doctor of optometry must provide to the patient his complete name, his business phone number, the address of his regular office, and his regular office hours. If such doctor of optometry does not maintain a business phone or regular office, he must provide this information to the patient, and must give him his personal phone number and address in place of his business number and address. If the practice of a mobile unit is owned in whole or in part by someone other than the doctor of optometry operating the mobile unit, such fact must also be provided to the patient, along with the names, phone numbers and addresses of all those who own an interest in the practice. The information required by this section may be provided to the patients by means of a sign on or near the mobile unit which the public may reasonably be expected to see and comprehend.

AMENDATORY SECTION (Order PL 271, filed 7/25/77)

WAC 308-53-230 RENTING SPACE FROM AND PRACTICING ON PREMISES OF COMMERCIAL (MERCANTILE) CONCERN. Where a doctor of optometry rents or buys space from and practices optometry on the premises of a commercial or mercantile concern:

(1) The practice must be owned by the doctor of optometry solely or in conjunction with other licensed doctors of optometry, and in every phase be under the exclusive control of the doctor(s) of optometry. The prescription files must be the sole property of the doctor(s) of optometry.

(2) The space must be definite and distinct from space occupied by other occupants of the premises and by the commercial or mercantile concern itself.

(3) All signs, advertising and display must be separate and distinct from that of the other occupants and of the commercial or mercantile concern itself, and have the name of the doctor(s) of optometry and the words "doctor of optometry" prominently displayed in connection therewith.

(4) There must be displayed on any part of the premises occupied by the doctor of optometry or in any advertising of such doctor of optometry no legends such as "optical department," "optical center," "optometrical department," or any others which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(5) In any written advertisement or announcement which uses the name of a commercial or mercantile concern to indicate the location of an optometric practice, the name(s) of the licensed doctor(s) of optometry owning the practice must be in larger type than the name of the commercial or mercantile concern.

(6) A written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it before professional services have been contracted for; this notice shall, in plain and simple terms, explain the relationship between the doctor of optometry and the commercial concern. The notice must express that the doctor of optometry is not controlled by the commercial concern in his professional practices, and must clearly describe the amount of responsibility that the commercial concern takes for the professional services rendered by the doctor of optometry.

Examples follow; these are not exhaustive:

John Smith, O.D., is a lessee, not an employee, of the store. He is solely responsible for his professional activities.

The store accepts no responsibility for the actions of John Smith, O.D., its lessee.

John Smith, O.D., is a lessee of the store, not an employee. As a part of the lease, he has agreed to follow the store's policy of "guaranteed satisfaction or your money back." (Obviously, only if this is true.)

Washington law prohibits the store from controlling or owning the practice of a licensed doctor of optometry.

Accordingly, the store can assume no responsibility for Dr. Smith's professional services.

The store is responsible for filling your optical prescription. It is not responsible for the professional services of Dr. Smith, its lessee. (If the store operates the optical dispensary.)

NEW SECTION

WAC 308-53-235 PROPER IDENTIFICATION OF LICENSEES. Each person licensed pursuant to chapter 18.53 RCW must be clearly identified to the public as a doctor of optometry at every establishment in which he is engaged in the practice of optometry. Such identification must include the name of the licensee in letters at least two inches high, at or near the entrance to the licensee's office.

If an owner of all or part of a practice does not engage in optometry on a regular basis at that location, his name and address in letters at least two inches high must be clearly visible to patients at or near the entrance to the location. To engage in optometry "on a regular basis" means to practice at a particular location at regular, periodic intervals, information of which is readily available to the public.

NEW SECTION

WAC 308-53-260 IMPROPER PROFESSIONAL RELATIONSHIP. No doctor of optometry shall make any contracts or agreements, whether express or implied, nor engage in any arrangement with a retail dispensing optician whereby the optician or his agent shall:

(1) pay any professional expenses for the doctor of optometry;

(2) pay any or all of the professional fees of a doctor of optometry;

(3) pay any commission, bonus, or rebate for volume of materials or services received from a doctor of optometry;

(4) receive any commission, bonus or rebate for volume of materials or services furnished to a doctor of optometry;

(5) pay any commission to the doctor of optometry in return for referral of patients to the optician;

(6) receive any commission from a doctor of optometry in return for referral of patients to such doctor of optometry.

Ch. 113 - 03
WSR 78-02-031
ADOPTED RULES
LIQUOR CONTROL BOARD
 [Order 64—Filed Jan. 17, 1978]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 E. Union Street, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to WAC 314-20-030 PACKAGES—CLASSIFICATION (Rule 39).

This action is taken pursuant to Notice No. 7933 filed with the code reviser on 12/20/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, RCW 66.98-.070 and Title 34 of RCW.

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

APPROVED AND ADOPTED January 17, 1978.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 49, filed 8/26/76)

WAC 314-20-030 PACKAGES—CLASSIFICATION. (RULE 39). No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and capacities from the following classifications:

- Barrels — Whole barrels, 1/2 barrels, 1/4 barrels.
- Packages — 24/7 oz., 32/7 oz., 35/7 oz., 36/7 oz., 48/7 oz.
- 12/8 oz., 24/8 oz., 35/8 oz., 36/8 oz., 48/8 oz.
- 12/11 oz., 24/11 oz., 48/11 oz.
- 12/12 oz., 24/12 oz., 48/12 oz.
- 12/15 oz., 24/15 oz., 48/15 oz.
- 12/16 oz., 24/16 oz., 48/16 oz.
- 12/24 oz.
- 12/32 oz., 24/32 oz.

PROVIDED, HOWEVER, That beer manufactured in a foreign country may be imported and sold within the state in package and case sizes customarily used in such foreign country, and which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

WSR 78-02-032
ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION
[Order 6-A—Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to amendatory section, WAC 139-04-010 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION.

This action is taken pursuant to Notice No. 7861 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED December 15, 1977.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 6, filed 8/15/75)

WAC 139-04-010 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. The Washington State Criminal Justice Training Commission consists of the Commission and its personnel, the Board on Law Enforcement Training Standards and Education, the Board on Prosecutor Training Standards and Education, the Board on Correctional Training Standards and Education, and the Board on Judicial Training Standards and Education. The primary responsibility of the Boards is the recommendation to the Commission of training standards, goals, and programs for criminal justice personnel within their specific purview. Recommendations for training pursuant to Commission adopted goals and standards may be approved by the Executive Director of the Commission. Other Board recommendations will be reviewed by the Commission for approval or rejection. Approved recommendations and other matters of the Commission necessitating implementation or staff involvement will be assigned by the Executive Director to appropriate personnel.

The central office of the Commission is located ((at ~~H07 S. Eastside Street~~))on the campus of St. Martin's College, Olympia, Washington. It is maintained by the Commission's Executive Director and staff from 8:00 a.m. to 5:00 p.m., Monday through Friday, and serves as a central repository for the Commission's records of administration and operation. ((~~Due to the proximity of training and student facilities, the Commission maintains an auxiliary office at the Providence Heights Education and Conference Center, Issaquah, Washington. The auxiliary office is staffed by administrative and operational personnel, primarily responsible for the implementation of specific training programs and the maintenance of field records necessary to the conduct of such programming.~~))

WSR 78-02-033
ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION
[Order 3-B—Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to amendatory section, WAC 139-16-010 ((~~REVISION AND EXPANSION OF~~)) BASIC LAW ENFORCEMENT CURRICULUM.

This action is taken pursuant to Notice No. 7862 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission as authorized in RCW 43.101.080(10).

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 December 15, 1977.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 3-A, filed 1/4/77)

WAC 139-16-010 ((~~REVISION AND EXPANSION OF~~) BASIC LAW ENFORCEMENT CURRICULUM. The basic law enforcement curriculum of the Washington State Criminal Justice Training Commission shall consist of 440 hours, including the following subject areas:

- (1) Introduction to Law Enforcement
- (a) Introduction to Law Enforcement
- (b) The Criminal Justice System
- (c) Police Power and Execution of Authority
- (d) Civil Rights and Civil Liability
- (e) Police Ethics
- (2) Criminal Law
- (a) Criminal Law
- (b) Juvenile Law
- (3) Evidence Law
- (4) Criminal Procedures
- (a) Constitutional Law
- (b) Probable Cause
- (c) Laws of Arrest
- (d) Search and Seizure
- (e) Interrogation, Statements and Confessions
- (f) Field Interrogations and "Stop and Frisk"
((~~Rules of Evidence~~))
((~~Criminal Law~~))
((~~Washington Motor Vehicle Laws~~))
- (5) Patrol Procedures
- (a) Observation and Perception
((~~Report Writing and Notetaking~~))
- (b) Patrol Procedures
- (c) First Aid
((~~Defensive and Emergency Driving~~))
- (d) Community Relations
- (e) Crime Prevention
- (f) Juvenile Procedures
- (g) Traffic Stop — Mock Scene
- (h) Felony Stop — Mock Scene
- (i) Field Interview — Mock Scene
- (j) Building Search — Mock Scene
- (k) Silent Alarm/Felony Arrest — Mock Scene
- (6) Communication Skills
- (a) Report Writing and Notetaking

- (b) Oral Communication
- (7) Emergency Vehicle Operation Course
- (8) Crisis Intervention
- (a) General Theory
- (b) Recognizing and Handling of Abnormal Behavior
- (c) Oral and Physical Communication
- (d) Handling Stress
- (e) Family Disturbance — Mock Scene
- (9) Traffic Law
- (a) Traffic Law Enforcement
- (b) Breathalyzer and Impaired Driving
- (c) Accident Investigation
- (10) Firearms
- (11) Physical Training and Self-Defensive Tactics
- (12) Criminal Investigation
- (a) Crime Scene Search and Protection
- (b) Collection and Preservation of Evidence
- (c) Interviews and Interrogation
((~~Techniques~~))
((~~Investigation of Crimes~~))
((~~Narcotics and Dangerous Drugs~~))
- (d) Crime Scene Protection/Search/Investigation — Mock Scene
- (e) Testifying in Court — Mock Scene
((~~Practical Exercises~~))
((~~Traffic Stop~~))
((~~Felony Stop~~))
((~~Field Interview~~))
((~~Building Search~~))
((~~Family Disturbance~~))
((~~Testifying in Court~~))
((~~Report Writing~~))
((~~Crime Scene Protection and Search~~))

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 78-02-034 ✓

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 12-B—Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to WAC 139-18-010, PHYSICAL REQUIREMENTS FOR ADMISSION TO BASIC LAW ENFORCEMENT ACADEMY.

This action is taken pursuant to Notice No. 7863 filed with the code reviser on 11/14/77. Such rules shall take effect: pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission as authorized in RCW 43.101-080 (8).

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 December 15, 1977.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 12-A, filed 3/23/77[3/29/77])

WAC 139-18-010 PHYSICAL REQUIREMENTS FOR ADMISSION TO BASIC LAW ENFORCEMENT ACADEMIES. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the Washington State Criminal Justice Training Commission shall possess good health and physical capability to actively and fully participate in the physical activities required for basic certification. In addition to defensive tactics, such activities shall include a physical training program geared to final attainment of the instructional objectives of physical performance (~~((designated))~~) adopted by the (~~((Board on Law Enforcement Training Standards and Education))~~) Commission. PROVIDED, That any applicant whose beginning date of continuous law enforcement employment precedes January 1, (~~((1977))~~) 1978, may be allowed to audit, in whole or in part, basic law enforcement training. In no such instance shall a basic certificate be issued.

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 78-02-035

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 4-B—Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to Amendatory Section WAC 139-20-010 PROCEDURE FOR ACKNOWLEDGMENT OF PRIOR BASIC TRAINING AND ISSUANCE OF CERTIFICATE OF EQUIVALENT BASIC TRAINING.

This action is taken pursuant to Notice No. 7864 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission as authorized in RCW 43-.101.080 (10).

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 December 15, 1977.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 4, filed 1/22/75 [Order 4A, filed 8/15/75])

WAC 139-20-010 PROCEDURE FOR ACKNOWLEDGMENT OF PRIOR BASIC TRAINING AND ISSUANCE OF CERTIFICATE OF EQUIVALENT BASIC TRAINING. A certificate of equivalent basic training shall be granted to those law enforcement officers previously trained in other jurisdictions who qualify in accordance with the procedure hereinafter set forth.

Note: A certificate of completion for the (~~((Commission's))~~) standard Basic Law Enforcement (~~((School))~~) Academy shall be granted only to those officers who have successfully completed that (~~((School))~~) Academy in Washington State.

The decision to request a certificate of equivalent basic training is discretionary with the employing sheriff or police chief. He may require that his officer, even though previously trained in another jurisdiction, attend and successfully complete the Commission's standard Basic Law Enforcement (~~((School))~~) Academy.

The procedure for requesting a certificate of equivalent basic training shall be as follows:

(1) The employing sheriff, police chief or head of agency, or in the case of a one-man department, the sheriff of the county in which the one-man department is located, shall submit to the Commission office a Request for Certificate of Equivalent Basic Training form for an officer who he believes has received adequate basic training. This Request form shall be accompanied by documentary proof of (a) the applicant's law enforcement experience (~~((and completion of)), (b) the applicant's prior basic training(;-) (to include dates, location, curriculum, hours devoted to each subject, and certification of successful completion) (~~((signed by the sheriff, chief of police, or head of agency)), and (3) the applicant's possession of a valid and current Washington State Driver's License, State Industrial or Red Cross First Aid card, and a valid and current Washington State Breathalyzer Operator's permit.~~~~

(2) Upon approval of the Request form and required documentation by the Commission office, the officer shall be required to pass a comprehensive written examination covering the subjects contained in the Commission's Basic Law Enforcement (~~((School))~~) Academy curriculum. This written examination shall be prepared (~~((and furnished))~~) by and graded at the Commission office(;- conducted by a supervisory officer in the applicant officer's department or the Commission's designee, and graded by the Commission office) and administered by the personnel and at the location designated by the

Commission. Additionally, such officer shall be evaluated in physical performance and field situations as designated by the Commission.

(3) Upon review of the application, documentation, ~~((and))~~ written examination, and physical and field evaluations, the Commission shall take one of the following actions:

- (a) issue a certificate of equivalent basic training;
- (b) issue a certificate of equivalent basic training upon completion of certain subjects contained in the Commission's standard Basic Law Enforcement ~~((School))~~ Academy; or
- (c) require completion of the Commission's entire standard Basic Law Enforcement ~~((School))~~ Academy.

(4) Under extraordinary circumstances, after approval of the Board on Law Enforcement Training Standards and Education, the Commission may, at its discretion, waive the requirements of ~~((Item))~~ subsection 2 thereof.

(5) The certificate of equivalent basic training shall be recognized in the same manner as the certificate of completion of the Commission's standard Basic Law Enforcement ~~((School))~~ Academy.

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 78-02-036
ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION
[Order 13-B—Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to Amendatory Section WAC 139-22-010, REQUIREMENTS OF ~~((CERTIFICATION FOR))~~ BASIC LAW ENFORCEMENT ~~((TRAINING))~~ ACADEMY.

This action is taken pursuant to Notice No. 7865 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission as authorized in RCW 43-101.080 (8).

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 December 15, 1977.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 13-A, filed 3/23/77)

WAC 139-22-010 REQUIREMENTS OF ~~((CERTIFICATION FOR))~~ BASIC LAW ENFORCEMENT ~~((TRAINING))~~ ACADEMY. 1. Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the ~~((Board on Law Enforcement Training Standards and Education))~~ Commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the Washington State Criminal Justice Training Commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment; provided, that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, ~~((1977))~~ 1978, may be allowed to audit the remainder of the academy upon a determination by the Coordinator of Law Enforcement Training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.

(b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the ~~((Washington State Criminal Justice Training))~~ Commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification. ~~((Failure to fully and actively participate in required physical activities during the academy process, for any reason, may result in termination of academy assignment.))~~

(c) Department and conduct. Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the Commission may result in termination of academy assignment.

2. In the instance of termination or suspension of a trainee's academy assignment ~~((for any reason, nothing shall prevent the submission of such trainee's application to any subsequent basic academy, nor shall such termination serve as disqualification in or prejudice to the application process))~~ due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as determined by the Commission. Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

3. In all other instances of termination of a trainee's academy assignment, the Commission shall allow such trainee's admission to any subsequent academy only if:

a. such trainee has been terminated by the employing agency and subsequently is re-hired by it, or

b. such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

~~((3:))~~ 4. Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Law Enforcement Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

Reviser's Note: 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 78-02-037

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 14--Filed Jan. 17, 1978]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at its meeting in Seattle, Washington, on December 15, 1977, that it does promulgate and adopt the annexed rules relating to:

New Section: WAC 139-14-010 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING.

This action is taken pursuant to Notice No. 7866 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 212, Laws of 1977 ex. sess. and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 15, 1977.

By James C. Scott
Executive Director

NEW SECTION

WAC 139-14-010 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING. (1) All full-

time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington State Patrol, unless otherwise exempted by the Washington State Criminal Justice Training Commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the Commission, or obtain a Certificate of Equivalent Basic Training from the Commission. This requirement of basic law enforcement training shall be met within the initial 15-month period of law enforcement employment, unless otherwise extended by the Commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) shall include:

(a) sheriff

(b) auxiliary and reserve personnel

(c) commissioned personnel

(i) whose usual and regular function does not include and will not include the general line enforcement of traffic or criminal laws of the state of Washington or any political subdivision thereof; Provided, that chiefs of police shall not be exempted solely upon the basis of this subsection, or

(ii) whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of 90 days, or

(iii) who have been certified in accordance with the requirement of subsection (1) above, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of 24-month duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington State Patrol, shall immediately notify the Commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the Commission and shall be utilized by the Commission for the subsequent scheduling, notification, and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of non-compliance, by the Commission, on approved form to:

(a) the individual in non-compliance,

(b) the head of his/her agency,

(c) the Civil Service Commission having jurisdiction of such agency,

(d) the judges and clerks of the municipal, district, and superior courts in which said agency is located,

(e) the state Auditor's Office, and

(f) any other agency or individual, as determined by the Commission.

WSR 78-02-038

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 38—Filed Jan. 17, 1978]

Be it resolved by the WASHINGTON STATE PARKS AND RECREATION COMMISSION that it does promulgate and adopt the annexed rules relating to Sno-Park Permit.

This action is taken pursuant to Notice No. 7899 filed with the code reviser on 11-28-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.290 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 43.51.040 which directs that the Washington State Parks and Recreation Commission has authority to implement the provisions of RCW 43.51.290.

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 December 19, 1977.

By Charles H. Odegaard
Director

AMENDATORY SECTION (Amending Order 37, filed 10/6/77)

WAC 352-32-260 SNO-PARK PERMIT. Only those vehicles properly displaying a valid winter recreational area parking permit issued by the State of Washington or by another state or nation which honors a Washington State winter recreational area parking permit shall park in designated winter recreational parking areas. Those vehicles in violation of this rule shall be subject to the application of RCW 46.61.587.

WSR 78-02-039

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 63—Filed Jan. 17, 1978]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 E. Union Avenue, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

WAC 314-62-010 LIQUOR LAW PAMPHLETS.

WAC 314-62-020 ANNUAL REPORTS.

This action is taken pursuant to Notice No. 7925 filed with the code reviser on 12/15/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, RCW 66.98.070 and Title 34 of RCW.

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

APPROVED AND ADOPTED January 17, 1978.

By L. H. Pedersen
Chairman

NEW SECTION

WAC 314-62-010 LIQUOR LAW PAMPHLETS. Pursuant to RCW 66.08.030 as amended by section 1, chapter 115, Laws of 1977 ex. sess., pamphlets containing the liquor laws (Title 66 RCW and other liquor related statutes) and the Revised Rules and Regulations of the Board shall be made available through the Board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. An updating service covering amendments to the Liquor Act and the Revised Rules and Regulations of the Board shall also be available for such distribution. Charges shall be made for these items as follows:

Liquor Laws and Regulations — \$1.50

Update Service — \$3.50

PROVIDED, HOWEVER, That copies of the liquor laws and regulations and the update service shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensees of the board, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

NEW SECTION

WAC 314-62-020 ANNUAL REPORTS. Pursuant to RCW 66.08.028, the Board makes annual reports to the Governor covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report shall be available through the Board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge of \$2.80 shall be made for each copy of this report; PROVIDED, HOWEVER, That copies of the annual report shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each. One copy of the annual report shall also be provided without

charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

**WSR 78-02-040
EMERGENCY RULES
DEPARTMENT OF GAME**

[Order 69—Filed Jan. 17, 1978—Eff. January 20, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule:

WAC 232-32-105 CLOSURE OF THE HOKO RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Hoko River pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Makah Tribal Council shows that as of January 17, 1978 treaty Indian fishermen have taken 130 steelhead from the Hoko River. The treaty's share as provided by the decision in United States v. Washington will be reached by January 20, 1978. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Hoko River. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 17th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-105 CLOSURE OF THE HOKO RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS. *It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Hoko River effective 6 a.m., January 20, 1978.*

WSR 78-02-041

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 77-35—Filed Jan. 17, 1978]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to establishing and clarifying procedures for public inspection and copying of public records; describing the central and field organizations of the Department of Ecology; creating chapter 173-03 WAC—Public Records; and repealing chapter 173-02 WAC—Methods of Operation and Organization, and chapter 508-02 WAC—Department Course and Operation—Information Available to Public.

This action is taken pursuant to Notice No. 7928 filed with the code reviser on 12/16/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17-.250-42.17.340 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 17, 1978.

By Wilbur G. Hallauer
Director

**Chapter 173-03 WAC
PUBLIC RECORDS**

WAC

- 173-03-010 Purpose
- 173-03-020 Definitions
- 173-03-030 Description of organization
- 173-03-040 Public records available
- 173-03-050 Records index
- 173-03-060 Requests for public records
- 173-03-070 Fees
- 173-03-080 Statement of reason for denial of public records request
- 173-03-090 Review of denial of public records requests
- 173-03-100 Protection of public records

NEW SECTION

WAC 173-03-010 PURPOSE. The purpose of this chapter is to implement the requirements of sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250 - .320) relating to public records.

NEW SECTION

WAC 173-03-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

- (2) "Department" means the department of ecology.
- (3) "Director" means the director of the department.

(4) "Public Records Officer" means the records manager of the department.

(5) "Designee" means the employee of the department designated by the director or the public records officer to serve as the public records officer at the central office or at each of the regional offices in the absence of the officer.

NEW SECTION

WAC 173-03-030 DESCRIPTION OF ORGANIZATION. (1) **Headquarters Office** .

(a) The headquarters office is located on the campus of St. Martins College, Lacey, Washington. The mailing address is:

Department of Ecology
Olympia, Washington 98504.

(b) The offices of the director, deputy director, and assistant directors all are located in the headquarters office.

(c) The titles and responsibilities of the six (6) assistant directors are as follows:

- (i) assistant director for water programs — water quality, water resources.
- (ii) assistant director for air programs — air quality, air monitoring.
- (iii) assistant director for land programs — solid waste, shorelines.
- (iv) assistant director for comprehensive programs — major industries, tax credits for pollution control expenditures, environmental review.
- (v) assistant director for external affairs — department liaison with other agencies.
- (vi) assistant director for field operations — enforcement, regional affairs.

(d) The offices of public affairs and legal affairs, also are at the headquarters office.

(2) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

4350 - 150th Avenue N.E.
Redmond, Washington 98050

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

7272 Cleanwater Lane
Tumwater, Washington 98504

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

2802 Main Street
Union Gap, Washington 98903

2015 South First Street
Yakima, Washington 98703
(Environmental Quality Section)

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

103 East Indiana
Spokane, Washington 99207

NEW SECTION

WAC 173-03-040 PUBLIC RECORDS AVAILABLE. (1) All public records of the department are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where such records will be available.

NEW SECTION

WAC 173-03-050 RECORDS INDEX. The department does not maintain an index of just the material listed in RCW 42.17.260. It does maintain for its own use a "Records Management Procedures Manual" which indexes the location of categories of all records, not just public records, which exist in the department. The manual is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the manual.

Because of the existence of the manual, the department has not developed any other index for its own use, and it would be unduly burdensome to develop such an index merely for the material listed in RCW 42.17.260.

NEW SECTION

WAC 173-03-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records:

.....
.....
.....

I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.

Signature

- Number of copies
- Number of pages
- Per page charge \$
- Total charge \$

include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 173-03-090 **REVIEWS OF DENIAL OF PUBLIC RECORDS REQUEST.** (1) Any person who objects to the refusal of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) All requests made in person may be made at a department office between the hours of 8:00 a.m. to 12:00 Noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

- (a) the name and address of the person making the request and the organization the person represents;
- (b) the time of day and calendar date on which the person wishes to inspect the public records;
- (c) a description of the public records requested;
- (d) a statement whether access to copying equipment is desired;
- (e) a phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.

(f) a statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the department at least three (3) business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The department may in its discretion fill requests made by telephone.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or his delegate. The director or his delegate shall immediately consider the matter and either affirm or reverse such refusal. The final decision shall be sent to the objecting person within two (2) business days following receipt of the petition for review.

NEW SECTION

WAC 173-03-100 **PROTECTION OF PUBLIC RECORDS.** In order to adequately protect the public records of the department, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

NEW SECTION

WAC 173-03-070 **FEES.** No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee, determined from time to time by the department, for providing copies of public records and for use of the department's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work for non-standard items is requested, the fee charged will reflect the total cost, including the time of department personnel.

CHAPTERS REPEALED

- Chapter 173-02 WAC
- Chapter 508-02 WAC

[Handwritten signatures]

WSR 78-02-042
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed Jan. 17, 1978]

NEW SECTION

WAC 173-03-080 **STATEMENT OF REASON FOR DENIAL OF PUBLIC RECORDS REQUEST.** When the department refuses, in whole or part, a written request for inspection of any public record, it shall

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 reservation of water for irrigation and municipal use from the John Day/McNary Pools reach of the Columbia River; creating chapter 173-531 WAC—Water Resources Management Program for the John Day/McNary Pools Reach of the Columbia River.

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 26, 1978 in the Hearings Room, Department of Ecology, Lacey, Washington. The authority under which these rules are proposed is chapter 90.54 RCW, chapter 173-500 WAC, and chapter 173-590 WAC. Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1978 and/or orally at 10:00 a.m., Wednesday, April 26, 1978, Hearings Room, Department of Ecology, Lacey, Washington.

(7) This notice is connected to and continues the matter noticed in Notice No. 7868 filed with the code reviser's office on 11/14/77.

Dated: January 17, 1978
By: Wilbur G. Hallauer
Director

WSR 78-02-043

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 77-32—Filed Jan. 17, 1978]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to establishing water quality standards for surface waters of the State of Washington; amending chapter 173-201 WAC—Water Quality Standards for Waters of the State of Washington.

This action is taken pursuant to Notice No. 7867 filed with the code reviser on 11/14/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.48.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 19, 1977.

By Wilbur G. Hallauer
Director

Chapter 173-201 WAC

WATER QUALITY STANDARDS FOR WATERS OF THE STATE OF WASHINGTON

WAC

- 173-201-010 Purpose.
- 173-201-020 Water use and quality criteria.
- 173-201-025 Definitions.
- 173-201-035 General considerations.
- 173-201-045 General water use and criteria classes.
- 173-201-050 Characteristic uses to be protected.
- 173-201-070 General classifications.
- 173-201-080 Specific classifications—Freshwater.

- 173-201-085 Specific classifications—Marine water.
- 173-201-090 Achievement considerations.
- 173-201-100 Implementation.
- 173-201-110 Surveillance.
- 173-201-120 Enforcement.
- 173-201-140 Miscellaneous.

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

WAC 173-201-010 PURPOSE. The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

WAC 173-201-020 WATER USE AND QUALITY CRITERIA. The water use and quality criteria set forth in WAC (~~(+73-201-030)~~) 173-201-035 through 173-201-050 are established in conformance with present and potential water uses of said surface waters and in consideration of the natural water quality potential and limitations of the same. Nonetheless, the dynamic nature of the process is also recognized. Hence, frequent review of these uses and criteria ((are)) is anticipated; and revisions will be undertaken as additional information is developed.

NEW SECTION

WAC 173-201-025 DEFINITIONS. (1) Background Conditions: The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) Fecal Coliform: That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 degrees plus or minus 0.2 degrees C.

(3) Mean Detention Time: The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

(4) Median Value: That value of a group of measurements that falls in the middle when the measurements are arranged in order of magnitude. If the number of measurements is even, the median value would be the value half-way between the two middle measurements.

(5) Permit: A document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

(6) pH: The negative logarithm of the hydrogen ion concentration.

(7) Surface Waters of the State: Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

(8) Temperature: Temperature expressed in degrees Celsius.

(9) Turbidity: The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(10) Upwelling: Upwelling is a direct result of wind stress on the sea surface. As winds blow parallel to a coast, the net flow of water is at an angle of about 45° toward the sea. This flow causes cold bottom water to move upward to replace the warmer surface water moving offshore. The cold water is rich in dissolved nutrients and has a low dissolved oxygen content.

NEW SECTION

WAC 173-201-035 GENERAL CONSIDERATIONS. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201-020 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a waste-water discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates receiving water standards.

(b) Permits shall be subject to modification by the department of ecology whenever it appears to the department the discharge violates receiving water standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint Sources and Water Quality Standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the receiving water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or

criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest Practices Rules and Regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department of ecology whenever it appears to the department that the discharge violates receiving water standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) It shall be the intent of this policy that existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge,

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria established in WAC 173-201-045 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) It shall be the policy of the state of Washington that no waste discharge permit be issued which will violate established water quality criteria for the said waters, except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by EPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the Environmental Protection Agency.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) The United States Environmental Protection Agency Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other non-radioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by EPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States

Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976).

Checked
NEW SECTION

WAC 173-201-045 GENERAL WATER USE AND CRITERIA CLASSES. The following criteria shall apply to the various classes of surface waters in the state of Washington:

(1) CLASS AA (EXTRAORDINARY).

(a) General Characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Wildlife habitat, stock watering.

(iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).

(iv) General marine recreation and navigation.

(v) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a median value of 50 organisms/100 ml, with not more than 10 percent of samples exceeding 100 organisms/100 ml.

(B) Marine water - Fecal coliform organisms shall not exceed a median value of 14 organisms/100 ml, with not more than 10 percent of samples exceeding 43 organisms/100 ml.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 9.5 mg/l.

(B) Marine water - Dissolved oxygen shall exceed 7.0 mg/l except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas - the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature - water temperatures shall not exceed 16.0° Celsius (freshwater) or 13.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water).

When natural conditions exceed 16.0° Celsius (freshwater) and 13.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 16.3° Celsius (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(2) CLASS A (EXCELLENT).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) Wildlife habitat, stock watering.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).
- (iv) Commerce and navigation.
- (v) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a median value of 100 organisms/100 ml, with not more than 10 percent of samples exceeding 200 organisms/100 ml.

(B) Marine water – Fecal coliform organisms shall not exceed a median value of 14 organisms/100 ml, with not more than 10 percent of samples exceeding 43 organisms/100 ml.

(ii) Dissolved Oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 8.0 mg/l.

(B) Marine water – Dissolved oxygen shall exceed 6.0 mg/l, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 18.0° Celsius (freshwater) or 16.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water).

When natural conditions exceed 18.0° Celsius (freshwater) and 16.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T"

represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 18.3° Celsius (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) CLASS B (GOOD).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Industrial and agricultural water supply.
- (ii) Fishery and wildlife habitat.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating).
- (iv) Stock watering.
- (v) Commerce and navigation.
- (vi) Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a median value of 200 organisms/100 ml, with not more than 10 percent of samples exceeding 400 organisms/100 ml.

(B) Marine water – Fecal coliform organisms shall not exceed a median value of 100 organisms/100 ml., with not more than 10 percent of samples exceeding 200 organisms/100 ml.

(ii) Dissolved Oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 6.5 mg/l or 70 percent saturation whichever is greater.

(B) Marine water – Dissolved oxygen shall exceed 5.0 mg/l or 70 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 21.0° Celsius (freshwater) or 19.0° Celsius (marine water) due to human activities. Temperature

increases shall not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/T$ (marine water).

When natural conditions exceed 21.0° Celsius (freshwater) and 19.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° Celsius, and the maximum water temperature shall not exceed 21.3° Celsius (freshwater):

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) CLASS C (FAIR).

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic Uses. Characteristic uses shall include, but are not limited to, the following:

- (i) Cooling water.
- (ii) Commerce and navigation.
- (iii) Fish passage.
- (iv) Boating.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms: (Marine water) shall not exceed a median value of 200 organisms/100 ml, with not more than 10 percent of samples exceeding 400 organisms/100 ml.

(ii) Dissolved Oxygen.

Marine water – Dissolved oxygen shall exceed 4.0 mg/l or 50 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent saturation at any point of sample collection.

(iv) Temperature – water temperatures shall not exceed 24.0° Celsius (freshwater) or 22.0° Celsius (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=39/(T+11)$ (freshwater) or $t=20/(T+2)$ (marine water).

When natural conditions exceed 24.0° Celsius (freshwater) and 22.0° Celsius (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

(v) pH shall be within the range of 6.5 to 9.0 (freshwater) or 6.5 to 9.0 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) LAKE CLASS.

(a) General Characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses for waters of this class shall include, but are not limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) Wildlife habitat, stock watering.
- (iii) General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating).
- (iv) Fish and shellfish reproduction, rearing, and harvesting.

(c) Water Quality Criteria.

(i) Fecal Coliform Organisms. (Lakes and impoundments) shall not exceed a median value of 50 organisms/100 ml, with not more than 10 percent of samples exceeding 100 organisms/100 ml.

(ii) Dissolved oxygen – no measurable decrease from natural conditions.

(iii) Total dissolved gas – the concentration of total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – no measurable change from natural conditions.

(v) pH – no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of

natural origin, which offend the senses of sight, smell, touch, or taste.

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

WAC 173-201-050 ((WATER USE AND QUALITY CRITERIA)) CHARACTERISTIC USES TO BE PROTECTED. The following is a noninclusive list of uses to be protected by the various classifications ((in)) for fresh and marine surface waters:

USES F=Freshwater M=Marine water	WATERCOURSE CLASSIFICATION				
	LAKE	AA	A	B	C
FISHERIES					
Salmonid					
Migration	F	F M	F M	F M	F M
Rearing	F	F M	F M	F M	
Spawning	F	F	F		
Warm Water Game Fish					
Rearing	F	F	F	F	
Spawning	F	F	F	F	
Other Food Fish	F	F M	F M	F M	
Commercial Fishing	F	F M	F M	F M	
Shellfish	F	M	M	M	
WILDLIFE	F	F M	F M	F M	
RECREATION					
Water Contact	F	F M	F M		
Boating and Fishing	F	F M	F M	F M	F M
Environmental Aesthetics	F	F M	F M	F M	F M
WATER SUPPLY					
Domestic	F	F	F		
Industrial	F	F M	F M	F M	F M
Agricultural	F	F	F	F	F
NAVIGATION	F	F M	F M	F M	F M
LOG STORAGE & RAFTING	F	F M	F M	F M	F M
HYDRO-POWER	F	F	F	F	F

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

WAC 173-201-070 ((WATER COURSE CLASSIFICATION)) GENERAL CLASSIFICATIONS. General classifications applying to various surface water bodies not specifically classified under WAC 173-201-080 or 173-201-085 are as follows:

- (1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are hereby designated Class AA or Lake Class.
- (2) All lakes and their feeder streams within the state are hereby designated Lake Class and Class AA respectively, except for those feeder streams specifically designated otherwise.
- (3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.
- (4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.
- (5) All reservoirs established on preexisting lakes are classified as Lake Class.
- (6) All undesignated surface waters that are tributaries to Class AA waters are designated Class AA. All other undesignated surface waters within the state are hereby designated Class A.

AMENDATORY SECTION (Amending Order DE 73-22, filed 11/16/73)

WAC 173-201-080 ((WATER COURSE CLASSIFICATION)) SPECIFIC CLASSIFICATIONS — FRESHWATER. ((Various specific))

Specific fresh surface waters of the state of Washington are classified as follows:

- (1) American River from confluence with Bumping River to headwaters. Class AA
- (2) Baker River. Class AA
- (3) ((Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2) except as otherwise noted.)) Class B
- (4) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the base of the east boat basin jetty. Class B
- (5) Big Quilcene River and tributaries. Class AA
- (6) Budd Inlet south of latitude 47°04'N. (South of Priest Point Park). Class B
- (7) (4) Bumping River from confluence with Naches River to headwaters. Class AA
- (8) Burnt Bridge Creek. Class A
- (9) Cascade River. Class AA
- (10) Cedar River from Lake Washington to Landsburg Dam. Class A
- (11) Cedar River from Landsburg Dam to headwaters. Special condition – no waste discharge will be permitted. Class AA
- (12) Chehalis River from Scammon Creek to Newaukum River. Special condition – dissolved oxygen shall exceed 5.0 mg/l or 50((%)) percent saturation, whichever is greater, from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria. Class A
- (13) Chehalis River from Newaukum River to Rock Creek. Class A
- (14) Chehalis River, from Rock Creek to headwaters. Class AA
- (15) Chehalis River, south fork, from mouth to headwaters. Class A
- (16) Chewack River from confluence with Methow River to headwaters. Class AA
- (17) Chiwawa River from confluence with Wenatchee River to headwaters. Class AA
- (18) Cispus River. Class AA
- (19) Clearwater River. Class A
- (20) Cle Elum River from confluence with Yakima River to Cle Elum Lake. Class AA
- (21) Cle Elum River from Cle Elum Lake to headwaters. Class AA
- (22) Cloquallum River from mouth to headwaters. Class A
- (23) Coastal waters from Hwaco to Cape Flattery. Class AA

((23)) (20) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.	Class A	((30)) (25) Coweeman River from mouth to Mulholland Creek.	Class A
(21) Columbia River from mouth to the Washington-Oregon border (river mile 309). Special conditions (=Temperature) - water temperatures shall not exceed ((68°F.)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F.) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed ((0.5°F.)) 0.3° Celsius due to any single source or ((2°F.)) 1.1° Celsius due to all such activities combined. Dissolved oxygen shall exceed 90 ((%)) percent of saturation. ((Below interstate highway No. 5 bridge. Total coliform organisms shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.))	Class A	((31)) (26) Coweeman River from Mulholland Creek to headwaters.	Class AA
((24)) (22) Columbia River from Washington-Oregon border (river mile 309) to Grand Coulee Dam (river mile 595). Special condition from Washington-Oregon border (river mile 309) to Priest Rapids Dam (river mile 397). Temperature - water temperatures shall not exceed ((68°F.)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F.) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((110 / (T - 15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) 34 / (T + 9).	Class A	((32)) (27) Crab Creek and tributary streams from confluence with Columbia River to headwaters.	Class B
((25)) (23) Columbia River from Grand Coulee Dam (river mile 595) to Canadian border (river mile 742).	Class AA	((33)) (28) Decker Creek from mouth to headwaters.	Class AA
((26)) (24) Colville River.	Class A	((34)) (29) Deschutes River from mouth to headwaters.	Class A
((27)) Commencement Bay from south and east of a line bearing 258° true from "Brown's Point" and north and west of a line bearing 225° true through the Hylebos Waterway light. Special condition - total coliform organisms shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.	Class A	((35)) (30) Dickey River.	Class A
(28) Commencement Bay inner, from south and east of a line bearing 225° true through the Hylebos Waterway light except the city waterway south and east of south 11th street.	Class B	((36)) (31) Dosewallips River and tributaries.	Class AA
(29) Commencement Bay, city waterway south and east of south 11th street.	Class C	((37)) Drayton Harbor, south of entrance.	Class A
		((38)) (32) Duckabush River and tributaries.	Class AA
		((39)) (33) Dungeness River from mouth to Canyon Creek.	Class A
		((40)) (34) Dungeness River and tributaries from Canyon Creek to headwaters.	Class AA
		((41)) (35) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal no. 37 to the confluence with the Black River (Tukwila).	Class B
		((42)) (36) Duwamish River upstream from the confluence with the Black River to the limit of tidal influence. ((Special condition - total coliform organisms shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.))	Class A
		((43)) Dyes and Sinclair Inlets west of longitude 122°37'W. Special conditions = Sinclair Inlet and Port Washington Narrows West of longitude 122°37'W. and south of latitude 47°35'20"N. Total coliform organisms = shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.	Class A
		((44)) Elliott Bay east of a line between U.S. Navy Supply Depot and Duwamish Head. Special condition - total coliform organisms shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.	Class A
		((45)) (37) Elwha River and tributaries.	Class AA
		((46)) (38) Entiat River from Wenatchee National Forest boundary to headwaters.	Class AA
		((47)) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth).	Class B
		((48)) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth).	Class C
		((49)) (39) Grande Ronde River from mouth to Oregon border (river mile 37).	

Special condition - temperature - water temperatures shall not exceed ~~((68°F:))~~ 20.0° Celsius due ~~((in part))~~ to ~~((measurable (0.5°F.) increases resulting from))~~ human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((+10/(T-15))$, for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) 34/(T+9).

~~((50)) Grays Harbor west of longitude 123°59'W. Class A~~

~~(51) Grays Harbor east of longitude 123°59'W. to longitude 123°45'45"W. (Cosmopolis). Special condition - dissolved oxygen - shall exceed 5.0 mg/l or 60% saturation, whichever is greater. Class B~~

~~((52)) (40) Grays River from Grays River Falls to headwaters. Class AA~~

~~((53)) (41) Green River (Cowlitz County) from mouth to headwaters. Class AA~~

~~((54)) (42) Green River (King County) from intersection of the river with west boundary of Sec. 27, ((R.6E., T.21N.)) T.21N. R.6E., to intersection of the river with west boundary of Sec. 13, ((R.7E., T.21N.)) T.21N., R.7E. Class AA~~

~~((55)) (43) Green River (King County) from intersection of the river with west boundary of Sec. 13, ((R.7E.,)) T.21N., R.7E., to headwaters. Special condition - no waste discharge will be permitted. Class AA~~

~~((56) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W. and north of latitude 48°27'20"N. except as otherwise noted. Class A~~

~~((57)) (44) Hamma Hamma River and tributaries. Class AA~~

~~((58)) (45) Hanaford Creek from mouth to east boundary line of Sec. 25, T.15N., R.2W. Special condition - dissolved oxygen shall exceed 6.5 mg/l or 70((%)) percent saturation whichever is greater. Class A~~

~~((59)) (46) Hanaford Creek from east boundary line of Sec. 25, T.15N., R.2W., to headwaters. Class A~~

~~((60)) (47) Hoh River and tributaries from mouth to headwaters. Class AA~~

~~((61)) (48) Hoquiam River from mouth to river mile 9. Class B~~

~~((62)) (49) Issaquah Creek from mouth to headwaters. Class A~~

~~((63)) (50) Kalama River from lower Kalama River Falls to headwaters. Class AA~~

~~((64)) (51) Klickitat River from Little Klickitat River to headwaters. Class AA~~

~~((65)) (52) Lake Washington Ship Canal from Lake Washington to Government Locks. Special condition - salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge.~~

Lake Class

~~((66)) (53) Lewis River, east fork, from Multon Falls to headwaters. Class AA~~

~~((67)) (54) Little Wenatchee River from Lake Wenatchee to headwaters. Class AA~~

~~((68)) (55) Methow River from ~~((Okanogan National Forest boundary))~~ its confluence with the Chewack River to headwaters. Class AA~~

~~((69)) (56) Methow River from mouth to the confluence of the Chewack River. Class A~~

~~(57) Mill Creek from confluence with Walla Walla River to 13th street bridge in Walla Walla. Special condition - dissolved oxygen concentration shall exceed 5.0 mg/l or 50((%)) percent saturation whichever is greater. Class B~~

~~((70)) (58) Mill creek from city of Walla Walla waterworks dam to headwaters. Special condition - no waste discharge will be permitted. Class AA~~

~~((71)) (59) Naches River from Snoqualmie National Forest boundary to headwaters. Class AA~~

~~((72)) (60) Naselle River from Naselle Falls to headwaters. Class AA~~

~~((73)) (61) Newaukum River from mouth to headwaters. Class A~~

~~((74)) (62) Nisqually River from Alder Dam to headwaters. Class AA~~

~~((75)) (63) Nooksack River from mouth to river mile 4 (just below Ferndale). ~~((Special condition - total coliform organisms = shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source.))~~ Class A~~

~~((76)) (64) Nooksack River from confluence with Maple Creek to headwaters. Class AA~~

~~((77)) (65) Nooksack River, south fork, from Skookum Creek to headwaters. Class AA~~

~~((78)) (66) Nooksack River, middle fork. Class AA~~

~~((79) Oakland Bay west of longitude 123°05'W. (inner Shelton harbor). Class B~~

~~((80)) (67) Okanogan River ~~((from mouth to Oroville (river mile 80, confluence with Similkameen River))). Class((B))A~~~~

~~((81)) (68) Palouse River from mouth to Colfax (river mile 88, confluence with south fork). Class B~~

~~((82)) (69) Palouse River from Colfax (river mile 88, confluence with south fork) to Idaho border (river mile 110). Special condition - Temperature - water temperatures shall not exceed ~~((68°F:))~~ 20.0° Celsius due ~~((in part))~~ to ~~((measurable (0.5°F:))~~~~

increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((110 / (T - 15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) 34/(T+9).

~~((83)) (70) Pend Oreille River from Canadian border (river mile 17) to Idaho border (river mile 86). Special condition - Temperature - water temperatures shall not exceed ((68°F:)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F:)) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((110 / (T - 15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined))~~ 34/(T+9).

~~((84)) (71) Pilchuck River from city of Snohomish waterworks dam to headwaters. ((85) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. Special condition = total coliform organisms = shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source.~~

~~(86) Port Gamble south of latitude 47°51'20"N.~~

~~(87) Port Townsend west of a line between Point Hudson and Kala Point.~~

~~(88) Possession Sound, Port Susan, Saratoga Passage and Skagit Bay east of Whidbey Island and longitude 122°38'35"W. (bridge) between latitude 47°57'N. (Mulkilteo) and latitude 48°27'20"N. (Similk Bay) except as otherwise noted.~~

~~((89)) (72) Puyallup River from mouth to river mile 1 (from mouth).~~

~~((90)) (73) Puyallup River from Kings Creek to headwaters.~~

~~((91)) (74) Queets River from mouth to river mile 3.0.~~

~~((92)) (75) Queets River and tributaries from river mile 3 to headwaters.~~

~~((93)) (76) Quillayute River.~~

~~((94)) (77) Quinault River from mouth to river mile 2.~~

~~((95)) (78) Quinault River and tributaries from river mile 2 to headwaters.~~

~~((96)) (79) Satsop River, east fork, from mouth to headwaters.~~

~~((97)) (80) Satsop River, middle fork, from mouth to headwaters.~~

~~((98)) (81) Satsop River, west fork, from mouth to headwaters.~~

~~((99)) (82) Sauk River.~~

~~((100) Sequim Bay southward of entrance.~~

~~((101)) (83) Skagit River from mouth to Burlington (river mile 17, Nookachamps Creek). ((Special condition = total coliform organisms shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source:))~~

~~((102)) (84) Skagit River from Skiyou Slough, (river mile 26) to Canadian border (river mile 91).~~

~~((103)) (85) Skokomish River and tributaries.~~

~~((104)) (86) Skookumchuck River from Bloody Run Creek to headwaters.~~

~~((105)) (87) Skykomish River from May Creek to headwaters.~~

~~((106)) (88) Snake River from mouth to Washington-Idaho-Oregon border. Special condition - Temperature~~

~~(a) Below confluence with Clearwater River. Water temperatures shall not exceed ((68°F:)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F:)) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((110 / (T - 15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) 34/(T+9).~~

~~(b) Above confluence with Clearwater River. Water temperatures shall not exceed ((68°F:)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F:)) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperatures increases, at any time, exceed ((0.5°F:)) 0.3° Celsius due to any single source or ((2°F:)) 1.1° Celsius due to all such activities combined.~~

~~((107)) (89) Snohomish River from mouth and east of longitude 122°13'40"W. upstream to latitude 47°56'30"N. (southern tip of Ebey Island). Special condition: Fecal coliform organisms shall not exceed a median value of 200, organisms/100 ml. with not~~

Class A

Class A

Class AA

Class A

Class A

Class A

Class A

Class B

Class AA

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more than 10 percent of samples exceeding 400 organisms/100 ml.		
((+108)) (90) Snohomish River upstream from latitude 47°56'30"N. (southern tip of Ebey Island) to limit of tidal influence. ((Special condition - total coliform organisms - shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source:))	Class((B))A	122°39" (Whidbey, Fidalgo, Guemes and Lummi Island) except as otherwise noted. Class AA
((+109)) (91) Snoqualmie River, middle fork, from mouth to headwaters.	Class A	((+121)) (101) Suiattle River. Class AA
((+110)) (92) Snoqualmie River, north fork, from mouth to headwaters.	Class AA	((+122)) (102) Sulphur Creek. Class B
((+111)) (93) Snoqualmie River, south fork, from west boundary of Twin Falls State Park to headwaters.	Class AA	(103) Sultan River from mouth to Chaplain Creek. Class A
((+112)) (94) Soleduck River and tributaries.	Class AA	((+123)) (104) Sultan River from Chaplain Creek to headwaters. Special condition - no waste discharge will be permitted. Class AA
((+113) South Puget Sound west of longitude 122°52'30"W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island) except as otherwise noted.	Class AA	((+124)) (105) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23). Class A
((+114)) (95) Spokane River from mouth to Idaho border (river mile 91). Special condition - Temperature - water temperatures shall not exceed ((68°F.)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F.) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((+10)/(T-15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined))	Class A	((+125)) (106) Tieton River from confluence with Naches River to headwaters. Class A
34/(T+9).	Class A	((+126)) (107) Tolt River from mouth to intersection of the river with west boundary of Sec. 31, ((R.9E.)) T26N., R.9E. Class AA
((+115)) (96) Stillaguamish River from mouth to river mile 7 (at Norman). ((Special condition - total coliform organisms - shall not exceed a median value of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source:))	Class A	((+127)) (108) Tolt River from intersection of the river with west boundary of Sec. 31, ((R.9E.)) T.26N., R.9E. to headwaters. Special condition - no waste discharge will be permitted. Class AA
((+116)) (97) Stillaguamish River, north fork, from mouth to Squire Creek.	Class A	((+128)) (109) Touchet River from Dayton water intake structure to headwaters. Class AA
((+117)) (98) Stillaguamish River, north fork, from Squire Creek to headwaters.	Class A	((+129)) (110) Toutle River, north fork, from Green River to headwaters. Class AA
((+118)) (99) Stillaguamish River, south fork, from Canyon Creek to the headwaters.	Class AA	((+130)) (111) Toutle River, south fork, from mouth to headwaters. Class AA
((+119)) (100) Stehekin River from Lake Chelan to headwaters.	Class AA	((+131)) (112) Tucannon River from Umatilla National Forest boundary to headwaters. Class AA
((+120) Strait of Juan de Fuca and Puget Sound through Admiralty Inlet and South Puget Sound, South and West to longitude 122°52'30"W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island), Hood Canal, Possession Sound south of latitude 47°57'N. (Mukitco) and all North Puget Sound West of longitude	Class AA	((+132)) (113) Twisp River from confluence with Methow River to headwaters. Class AA
		((+133)) (114) Union River from Bremerton waterworks dam to headwaters. Special condition - no waste discharge will be permitted. Class AA
		((+134)) (115) Walla Walla River from mouth to Lowden (river mile 15). Class B
		((+135)) (116) Walla Walla River from Lowden (river mile 15) to Oregon border (river mile 40). Special condition - Temperature - water temperatures shall not exceed ((68°F.)) 20.0° Celsius due ((in part)) to ((measurable (0.5°F.) increases resulting from)) human activities. When natural conditions exceed 20.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((+10)/(T-15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) 34/(T+9). Class A
		((+136)) (117) Wenatchee River from Wenatchee National Forest boundary to headwaters. Class AA
		((+137)) (118) White River (Pierce-King Counties) from Mud Mountain Dam to headwaters. Class AA


- ~~((138))~~ (119) White River (Chelan County) from Lake Wenatchee to headwaters. Class AA
- ~~((139))~~ Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light. Class A
- ~~((140))~~ (120) Willapa River upstream of a line bearing 70° true through Mailboat Slough light. ((Special condition — total coliform organisms shall not exceed median values of 240 with less than 20% of samples exceeding 1,000 when associated with any fecal source.)) Class A
- ~~((141))~~ (121) Wishkah River from mouth to river mile 6. Class B
- ~~((142))~~ (122) Wishkah River from west fork of Wishkah River to intersection of the river with south boundary of Sec. 33, ~~((R.8W.))~~ T.21N., R.8W. Class AA
- ~~((143))~~ (123) Wishkah River from intersection of the river with south boundary of Sec. 33, ~~((R.8W.))~~ T.21N., R.8W. to headwaters. Special condition — no waste discharge will be permitted. Class AA
- ~~((144))~~ (124) Yakima River from confluence with Columbia River to Sunnyside Dam. Class B
- ~~((145))~~ (125) Yakima River from Sunnyside Dam to ~~((Wilson Creek))~~ river mile 185.6 (just below the confluence of the Cle Elum River). Special condition — Temperature — water temperatures shall not exceed ~~((70°F.))~~ 21.0° Celsius due ~~((in part))~~ to ~~((measurable (0.5°F.) increases resulting from))~~ human activities. When natural conditions exceed 21.0° Celsius (freshwater), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° Celsius; nor shall such temperature increases, at any time, exceed $t = ((10/(T-15))$; for purposes hereof, "t" represents the permissive increase and "T" represents the water temperature due to all causes combined)) $34/(T+9)$. Class A
- ~~((146))~~ (126) Yakima River from ~~((Cle Elum River))~~ river mile 185.6 (immediately upstream from the Cle Elum River) to headwaters. Class AA

NEW SECTION

WAC 173-201-085 SPECIFIC CLASSIFICATIONS—MARINE WATER. Specific marine surface waters of the state of Washington are classified as follows:

- (1) Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2), except as otherwise noted. Class B

- (2) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the east boat basin jetty. Class B
- (3) Budd Inlet south of latitude 47°04'N. (south of Priest Point Park). Class B
- (4) Coastal waters Pacific Ocean from Ilwaco to Cape Flattery. Class AA
- (5) Commencement Bay from south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light. Class A
- (6) Commencement Bay, inner, from south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street. Class B
- (7) Commencement Bay, city waterway south and east of south 11th Street. Class C
- (8) Drayton Harbor, south of entrance. Class A
- (9) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A
- (10) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A
- (11) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth). Class A
- (12) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B
- (13) Grays Harbor west of longitude 123°59'W. Class A
- (14) Grays Harbor east of longitude 123°59'W. to longitude 123°45'45"W. (Cosmopolis). Special condition — dissolved oxygen — shall exceed 5.0 mg/l or 60 percent saturation, whichever is greater. Class B

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| (15) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W. and north of latitude 48°27'20"N., except as otherwise noted. | Class A | <u>AMENDATORY SECTION</u> (Amending Order 73-4, filed 7/6/73) |
| (16) Hood Canal. | Class AA |  <p><u>WAC 173-201-090 ACHIEVEMENT CONSIDERATIONS.</u> To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department of ecology to apply the various implementation and enforcement authorities at its disposal, including the development and implementation of the continuing planning process required ((under section 303(e) of)) by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500) and applicable federal regulations thereunder. It is also the intent that cognizance will be taken of the need for information as contemplated under section 304, 208, 209, and other sections of the federal act, with emphasis on silviculture and agriculture, and for participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The Washington department of ecology's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act and regulations. Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law.</p> |
| (17) Mukilteo and all North Puget Sound West of longitude 122°39' W. (Whidbey, Fidalgo, Guemes and Lummi Island), except as otherwise noted. | Class AA | |
| (18) Oakland Bay west of longitude 123°05'W. (inner Shelton harbor). | Class B | <p><u>AMENDATORY SECTION</u> (Amending Order 73-4, filed 7/6/73)</p> <p><u>WAC 173-201-100 ((ACHIEVEMENT CONSIDERATIONS))IMPLEMENTATION.</u> (1) Discharges from municipal, commercial, and industrial operations. The primary means to be ((utilized)) used for controlling municipal, commercial, and industrial waste discharges shall be through the issuance of waste disposal permits, as provided for in RCW 90.48.160 and following.</p> <p>(2) Miscellaneous Waste Discharge or Water Quality Effect Sources. The director shall, through the issuance of regulatory permits, directives, and orders, as are appropriate, control miscellaneous waste discharges and water quality effect sources not covered by ((subsection)) <u>WAC 173-201-100(1)</u> hereof. It is noted that, from time to time, certain short-term activities which are deemed necessary to accommodate essential activities or to otherwise protect the public interest may be specially authorized by the director as indicated in <u>WAC 173-201-035(8)(e)</u>, under such conditions as the director may prescribe, even though such activities may result in a reduction of water quality conditions below those criteria and classifications established by this regulation.</p> |
| (19) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. | Class A | |
| (20) Port Gamble south of latitude 47°51'20"N. | Class A | |
| (21) Port Townsend west of a line between Point Hudson and Kala point. | Class A | |
| (22) Possession Sound, south of latitude 47°57'N. | Class AA | |
| (23) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and longitude 122°38'35" W. (bridge) between latitude 47°57'N. (Mukilteo) and latitude 48°27'20"N. (Similk Bay), except as otherwise noted. | Class A | |
| (24) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30" W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island). | Class AA | <p><u>AMENDATORY SECTION</u> (Amending Order 73-4, filed 7/6/73)</p> <p><u>WAC 173-201-110 ((ACHIEVEMENT CONSIDERATIONS))SURVEILLANCE.</u> A continuing surveillance program, to ascertain whether the regulations, waste disposal permits, orders, and directives promulgated and/or issued by the department are</p> |
| (25) Sequim Bay southward of entrance. | Class AA | |
| (26) South Puget Sound west of longitude 122°52'30" W. (Brisco Point) and longitude 122°51'W. (northern tip of Hartstene Island, except as otherwise noted). | Class A | |
| (27) Strait of Juan de Fuca. | Class AA | <p><u>AMENDATORY SECTION</u> (Amending Order 73-4, filed 7/6/73)</p> <p><u>WAC 173-201-110 ((ACHIEVEMENT CONSIDERATIONS))SURVEILLANCE.</u> A continuing surveillance program, to ascertain whether the regulations, waste disposal permits, orders, and directives promulgated and/or issued by the department are</p> |
| (28) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light. | Class A | |

being complied with, will be conducted by the department staff as follows:

- (1) Inspecting ~~((of))~~ treatment and control facilities.
- (2) Monitoring and reporting ~~((of))~~ waste discharge characteristics.
- (3) Monitoring ~~((of))~~ receiving water quality.

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

W WAC 173-201-120 ~~((ACHIEVEMENT CONSIDERATIONS))~~ ENFORCEMENT. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) ~~((Issuance of regulatory notifications, orders, and directives as provided for in RCW 90.48.120. Under this section, whenever it is the department's opinion that a person is polluting or is about to pollute the state's waters, the department shall notify said person of the department's determination. Within thirty days said person shall notify the department of the action he has taken with regard to said notification, whereupon the department shall issue such order or directive as it deems appropriate. Thereafter any person feeling aggrieved may request a department hearing relating to said order or directive, the same being conducted in accordance with chapter 43.21B RCW, and chapter 371-08 WAC. Any party to the hearing may request review of the department's order issued after said hearing in a superior court of this state, if the hearing is informal, or to the court of appeals if the hearing is formal.))~~ Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director of the department may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within ~~((fifteen days))~~ thirty

days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240.

AMENDATORY SECTION (Amending Order 73-4, filed 7/6/73)

W WAC 173-201-140 MISCELLANEOUS. (1) The water quality criteria adopted in this chapter shall be the sole criteria for the various surface waters in the state of Washington.

(2) The criteria, classifications, and achievement considerations established by this chapter shall be reviewed from time to time by the department to insure that the quality of the waters of the state may be enhanced wherever possible through appropriate modifications of this chapter.

(3) These rules contemplate and it is the specific intent of the department of ecology to continue to evaluate the watercourse classifications under WAC ~~((173-201-060))~~ 173-201-070 through ~~((173-201-080))~~ 173-201-085 hereof ~~((in the near future))~~, with special emphasis placed on those waters constituting reaches of streams in nonurban areas, and, if deemed appropriate, initiate rule-making proceedings ~~((by September 1, 1973,))~~ as to any needed changes in classification. Additionally, the department shall, in light of concerns expressed both for high water quality and for the carrying on of activities on land which have an effect on certain water reaches, continue with expedition to examine all waters of the state, the needs for the protection of the same and related concerns, and if, after such evaluation, it appears appropriate, initiate rule-making procedures to modify this chapter.

The department of ecology has the obligation to review the state water quality standards at least once each three year period.

~~((4) Chapters 372-12 and 372-64 WAC are repealed.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 173-201-030 WATER USE AND QUALITY CRITERIA—GENERAL WATER USE AND CRITERIA CLASSES.

(2) WAC 173-201-040 WATER USE AND QUALITY CRITERIA—GENERAL CONSIDERATIONS.

(3) WAC 173-201-130 DEFINITIONS.

(4) WAC 173-201-060 WATER COURSE CLASSIFICATION.

WSR 78-02-044
EMERGENCY RULES
DEPARTMENT OF GAME

[Order 70—Filed Jan. 17, 1978—Eff. January 20, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule: WAC 232-32-106 CLOSURE OF THE SEKIU RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Sekiu River pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Makah Tribal Council shows that the treaty share has been taken. It is necessary, therefore, that the treaty Indian fishery be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Sekiu River. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Administrative Procedure Act (chapter 34.04 RCW).

APPROVED AND ADOPTED at Olympia, Washington, this 17th day of January, 1978.

By Ralph W. Larson
 Director

NEW SECTION

WAC 232-32-106 CLOSURE OF THE SEKIU RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS. *It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets and purse seines in the Sekiu River effective 6 a.m., January 20, 1978.*

WSR 78-02-045
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Jan. 17, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 RCW and 17.21 RCW that the Department of Agriculture intends

to adopt, amend, or repeal rules concerning the use of desiccants and defoliants in eastern Washington.

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Thursday, January 19, 1978 in the Director's Office, Department of Agriculture, Olympia.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. 7945 filed with the code reviser's office on December 27, 1977.

Dated: January 17, 1978

By: Norval G. Johanson
 Assistant Director

WSR 78-02-046
PROPOSED RULES
DEPARTMENT OF GAME
 [Filed Jan. 18, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning adoption of WAC 232-28-800 1978 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

that such agency will at 9:00 a.m., Monday, April 3, 1978 in the Tye Motor Inn, 500 Tye Drive, Coho Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, April 3, 1978 in the Tye Motor Inn, 500 Tye Drive, Coho Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 77.12.040 and RCW 42.17.260(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 3, 1978, and/or orally at 9:00 a.m., Monday, April 3, 1978, Tye Motor Inn, 500 Tye Drive, Coho Room, Olympia, Washington.

Dated: January 18, 1978

By: Dennis Reynolds
 Assistant Attorney General

NEW SECTION

WAC 232-28-800 1978 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

Reviser's note: The text and accompanying map comprising the 1978 Mountain Goat, Sheep, and Moose Hunting Season Rules proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 78-02-047

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 71—Filed Jan. 18, 1978—Eff. January 20, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule WAC 232-32-107 CLOSURE OF THE NISQUALLY RIVER TO THE TAKING OF STEELHEAD BY TREATY INDIANS—OFF-RESERVATION.

I, Ralph W. Larson, 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:

Information provided by the licensed fish buyers reporting sales of steelhead harvested off-reservation by treaty Indian fishermen from the Nisqually River pursuant to the reporting system approved by the United States District Court in United States v. Washington and information from the Nisqually Tribe shows that as of January 20, 1978 treaty Indian fishermen have taken 1,318 steelhead from the Nisqually River off-reservation. This is in excess of the numbers harvestable by treaty Indians as provided by the decision in United States v. Washington. It is necessary, therefore, that the treaty Indian fishery off-reservation be immediately terminated so that the all-citizen sport fishery will not be deprived of its opportunity to take their fair share of the steelhead from the Nisqually River. Such a closure will not result in over-escapement.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

APPROVED AND ADOPTED at Olympia, Washington, this 18th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-107 CLOSURE OF THE NISQUALLY RIVER OFF-RESERVATION TO THE TAKING OF STEELHEAD BY TREATY INDIANS. It shall be unlawful for treaty Indian fishermen to take, fish for or possess steelhead trout for commercial purposes with gill nets in the Nisqually River off-reservation effective 6 p.m., January 20, 1978.

WSR 78-02-048

ADOPTED RULES

CENTRAL WASHINGTON UNIVERSITY

[Order 38—Filed Jan. 19, 1978]

I, Donald Guy, Dean of Student Development of the Central Washington University do promulgate and adopt at the Dean of Student's Office, Samuelson Union Bldg. the annexed rules relating to selling on Campus.

This action is taken pursuant to Notice No. 7905, filed with the code reviser on 12/5/77. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.40.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 11, 1978.

By D. E. Guy

Dean of Student Development

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

WAC 106-140-040 SELLING ON CAMPUS. Selling within the boundaries of Central Washington ((State College)) University property may be permitted in the manner and at the locations as set forth below:

(1) ((Residence Halls)) University Housing:

(a) The selling of food in vending machines is controlled by and administered through the Office of the Director of Auxiliary Services.

(b) ((Students)) Residents in University Housing are allowed to sell or to offer services on commission ((for food, laundry, dry cleaning, magazines, corsages, and tuxedos)) with a special permit ((only)) from the Director of Auxiliary Services or his designee. ((Every student engaged in selling in college housing units must secure a permit from the Director of Auxiliary Services.)) Students may request such a permit for their assigned room or housing unit only since door to door selling is not allowed on campus.

((c)) Petitions requesting permission for selling in areas not listed are considered by the Board of Review. All petitions shall be submitted in writing to the Director of Auxiliary Services.

(2) Other Campus Areas, as follows:

(a) Selling by individual students or by recognized organizations in classroom buildings, administrative buildings or service buildings is not allowed without special permission that must be obtained from the Vice President for Business Affairs or his designee not less than five business days prior to the date the requested activity is to take place. ((Violations must be reported promptly to the Vice President for Business Affairs.))

(b) The University Athletic Committee regulates the selling policy at University athletic events. Applications for permission to sell at such events shall be made to the

University Athletic ((Committee)) Director or his designee.

(c) The University Union Board regulates the selling policy by individuals and groups in the Samuelson Union Building. Applications for permission to sell in the Samuelson Union Building shall be made to the ((University Union Board:)) Dean of Student Development or his designee through the Scheduling Center. Off-campus vendors may rent table space in the Union Building for a maximum of two days (five if Ware Fairs are included) per academic quarter. Requests for exceptions to this regulation will be made to the Dean of Student Development or his designee.

(3) Violations of the foregoing on any University property should be reported promptly to the Dean of Student Development.

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 78-02-049

ADOPTED RULES

DEPARTMENT OF PERSONNEL

[Order 116—Filed Jan. 19, 1978]

Be it resolved by the State Personnel Board, acting at Dept. of Personnel, 600 South Franklin, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

Amend: WAC 356-06-010 DEFINITIONS

Repeal: chapter 356-38 WAC TRAINING (in its entirety)

New: chapter 356-39 WAC HUMAN RESOURCE DEVELOPMENT (in its entirety).

This action is taken pursuant to Notice No. 7941 filed with the code reviser on 12/23/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 17, 1978.

By Leonard Nord
Secretary, State Personnel Board

AMENDATORY SECTION (Amending Order 113, filed 11/30/77)

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

ACTING APPOINTMENT – A temporary appointment made from within the service to a supervisory or managerial position.

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

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

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

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

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

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

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

BARGAINING UNIT – The group of employees in positions determined by the Personnel Board to constitute a unit appropriate for collective bargaining purposes under these Rules.

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

BOARD – The State Personnel Board.

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

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

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

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

CLASSIFIED SERVICE – All positions and employees in the State service subject to the provisions of 41.06 RCW and these Rules.

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

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

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

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

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

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

DIRECTOR – The Director of the Department of Personnel.

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

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

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

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

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days, extended as provided by these Rules.

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

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

EXECUTIVE MANAGEMENT (As used in Chapter 42 of these Rules) – All personnel who have substantial responsibility for the formulation of personnel and labor relations policies, or for directing and controlling program operations of an agency, department or major administrative division thereof or employees regularly engaged in personnel work in other than a clerical capacity but including the secretary to an agency personnel officer.

EXECUTIVE PERSONNEL (As used in Chapter 15 of these Rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing

the work of and (3) regulating the working hours of two or more employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to the next salary step increment within range as stated in the compensation plan.

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

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

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

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

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

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

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

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

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

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

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

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

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

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

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which was held prior to the employee's last promotion.

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

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to State work. Time spent off the State payroll due to reduction-in-force is not credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the State Personnel Board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the State service for such veteran or his widow.

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

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

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

TEMPORARY EMPLOYMENT – Employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than six months and having an end in sight; or public service type employment performed for the State as

alternative service to the country as approved by the selective service system and as referred by the Selective Service Commission in accordance with the Selective Service Regulation, Section 1622.14. Employment under the alternative service provisions of this Rule shall be limited to the following ((agencies))agency: Department of Natural Resources.

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

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

TRANSFER – The change of an employee who has gained permanent status in a class with no break in service from one to another classified position having the same salary sub-range number.

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

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

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

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

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

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

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an

undesirable, bad conduct, or dishonorable discharge is given; provided that the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

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

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

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee. **WORK PERIOD DESIGNATION** – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in WAC Chapter 356-15.

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

WORKSHIFT – Scheduled working hours within the workday.

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

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

REPEALER

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

- (1) WAC 356-38-010 TRAINING GENERAL—PURPOSE AND OBJECTIVES
- (2) WAC 356-38-020 TRAINING—RESPONSIBILITY
- (3) WAC 356-38-030 AGENCY ORGANIZATION FOR TRAINING
- (4) WAC 356-38-040 IN-SERVICE TRAINING—DEFINITION—BIENNIAL PLAN
- (5) WAC 356-38-050 OUT-SERVICE TRAINING—DEFINITIONS—EXCLUSIONS
- (6) WAC 356-38-060 OUT-SERVICE TRAINING—GENERAL
- (7) WAC 356-38-070 OUT-SERVICE TRAINING—SELECTION OF EMPLOYEES
- (8) WAC 356-38-080 OUT-SERVICE TRAINING—SALARY AND RELATED COSTS

(9) WAC 356-38-090 OUT-SERVICE TRAINING—EMPLOYEE CONTRACTS

(10) WAC 356-38-100 OUT-SERVICE TRAINING—UNCOMPLETED ASSIGNMENTS

(11) WAC 356-38-110 OUT-SERVICE TRAINING—AGENCY POLICY AND PLAN

(12) WAC 356-38-120 TUITION REIMBURSEMENT—DEFINITION—PURPOSE

(13) WAC 356-38-130 TUITION REIMBURSEMENT—ELIGIBILITY CONDITIONS OF REIMBURSEMENT

(14) WAC 356-38-140 EDUCATIONAL LEAVE OF ABSENCE—CONDITION

(15) WAC 356-38-150 ANNUAL TRAINING REPORTING

(16) WAC 356-38-160 TRAINING—WHEN CONDUCTED—ALLOWANCES IN COMPENSATORY TIME

(17) WAC 356-38-170 TRAINING—CREDIT FOR COMPLETION—EFFECT

Chapter 356-39 WAC
HUMAN RESOURCE DEVELOPMENT

WAC	
356-39-010	Chapter purpose.
356-39-020	Human resource development— Statewide philosophy/definition.
356-39-030	Human resource development— Assignment of responsibilities.
356-39-040	Agency job assignments for develop- mental purposes.
356-39-050	Agency human resource development planning.
356-39-060	Department of personnel human re- source development planning.
356-39-070	Agency evaluation of human resource development activities.
356-39-080	Department of Personnel review of agencies' human resource develop- ment reports.
356-39-090	Required managerial training.
356-39-100	Tuition reimbursement—Agency authority and responsibility.
356-39-110	Tuition reimbursement—Employee eligibility and responsibility.
356-39-120	Education leave without pay— Agency authority and responsibility.
356-39-130	Education leave without pay—Em- ployee eligibility and responsibility.
356-39-140	Provisions for considering training as time worked.

NEW SECTION

WAC 356-39-010 CHAPTER PURPOSE. This Chapter sets forth the Board's philosophy on elements of human resource development. Further, this Chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource development to the Department of Personnel, the agencies and individual employees.

NEW SECTION

WAC 356-39-020 HUMAN RESOURCE DEVELOPMENT—STATEWIDE PHILOSOPHY/DEFINITION. Optimum utilization of its human resources aids State government in providing effective and economic services. Therefore, it is the Personnel Board's philosophy that a highly productive, motivated workforce be achieved and maintained through a statewide program of human resource development.

NEW SECTION

WAC 356-39-030 HUMAN RESOURCE DEVELOPMENT—ASSIGNMENT OF RESPONSIBILITIES. The responsibility for human resource development is shared by agencies and employees.

- (1) Each agency is responsible for providing:
 - (a) Orientation
 - (b) Agency-required, job-related training
 - (c) Assistance with career planning
- (2) Each employee is responsible for:
 - (a) Personal career planning
 - (b) Maintenance of professional and other licenses
 - (c) Participation in agency-required training
- (3) The Department of Personnel shall support human resource development by:
 - (a) Consulting with agencies in their human resource development activities, upon request
 - (b) Providing training which is interagency in scope
 - (c) Providing guidelines for human resource development planning and evaluation in accordance with WAC 356-39-060 and WAC 356-39-080.

NEW SECTION

WAC 356-39-040 AGENCY JOB ASSIGNMENTS FOR DEVELOPMENTAL PURPOSES. Agencies may make the following planned training assignments for employee development without incurring reallocation or compensation obligations:

- (1) Performance of higher level responsibilities on a time-limited basis.
- (2) Rotational or special project job assignments.
- (3) Transfers or reassignments to different duties and responsibilities within job classification.

NEW SECTION

WAC 356-39-050 AGENCY HUMAN RESOURCE DEVELOPMENT PLANNING. (1) Each agency shall prepare a human resource development plan for a biennial period, with revision as needed. The plan shall be based on an assessment of the human resource development needs within the agency and consideration of the agency's budget.

- (2) The plan shall state the agency's policies and objectives for human resource development. The policies shall include at a minimum the following:
 - (a) Criteria for employee participation in human resource development activities during work hours
 - (b) Criteria for educational leave
 - (c) Criteria for tuition reimbursement

(d) Provisions for considering human resource development needs identified in the agency's performance appraisal process and affirmative action plan

(3) The plan shall identify the resources available to achieve its stated objectives.

NEW SECTION

WAC 356-39-060 DEPARTMENT OF PERSONNEL HUMAN RESOURCE DEVELOPMENT PLANNING. Each agency shall submit a summary of its biennial human resource development plan to the Department of Personnel for review.

(1) The Department shall provide each agency with an evaluation of its plan. The evaluation may include recommendations for sharing resources to meet common objectives among the agencies.

(2) Upon agency request, the Department shall assist in the preparation of the agency's plan.

(3) The Department shall prepare a human resource development plan with objectives and identification of resources to accomplish interagency human resource development activities which have been proposed through agency plans. The Department shall distribute its plan to the agencies.

(4) The Department shall consider each agency's human resource development activities in preparation of the State's Classification Plan and in the Department's testing process.

NEW SECTION

WAC 356-39-070 AGENCY EVALUATION OF HUMAN RESOURCE DEVELOPMENT ACTIVITIES. Each agency shall develop an evaluation process to determine the effectiveness of its human resource development activities.

(1) This evaluation process shall include an assessment of:

- (a) The effectiveness of the training
- (b) The impact of the training on job performance
- (c) The contribution of the training to achievement of career development goals

(2) The Department of Personnel shall assist agencies in the development of their evaluation process upon their request.

(3) Each agency shall submit an annual summary of evaluation data on its human resource development activities to the Department of Personnel.

NEW SECTION

WAC 356-39-080 DEPARTMENT OF PERSONNEL REVIEW OF AGENCIES' HUMAN RESOURCE DEVELOPMENT REPORTS. The Department of Personnel shall review each agency's annual evaluation as it relates to the agency's human resource development plan.

(1) The Department shall summarize the agencies' reports, highlighting innovative techniques that have interagency application, and shall submit the summary to the agencies, the Personnel Board, the Governor and the Legislature.

(2) The Department shall develop an evaluation process to determine the effectiveness of its human resource development activities. In its annual evaluation summary, the Department shall include data from this evaluation process.

NEW SECTION

WAC 356-39-090 REQUIRED MANAGERIAL TRAINING. An agency may require employees in positions with responsibilities which include planning, directing or evaluating the work of other employees to complete managerial training.

NEW SECTION

WAC 356-39-100 TUITION REIMBURSEMENT—AGENCY AUTHORITY AND RESPONSIBILITY. (1) Agencies may approve for full or partial tuition reimbursement a qualified course conducted by an educational institution, vocational school, or a professional training organization. To qualify, a course must have an objective of furthering an employee's career development plan and/or changing or enhancing the employee's skills, knowledge, attitude, or behavior. The course must be directly related to a function of State government.

(2) Agencies shall reimburse eligible employees who have satisfactorily completed a course which was previously approved for tuition reimbursement. Agencies may pre-pay employee's tuition or registration fees.

(3) Agency funds expended for tuition reimbursement will be limited to tuition or registration fees, and will not include textbooks, supplies or other school expenses.

(4) Approvals for any one employee should be limited to no more than the equivalent of six credit hours during any one academic quarter or semester.

NEW SECTION

WAC 356-39-110 TUITION REIMBURSEMENT—EMPLOYEE ELIGIBILITY AND RESPONSIBILITY. (1) An employee shall be in permanent, or permanent project, status at the time payment is made.

(2) An employee shall not receive federal or State educational reimbursement funds that exceed the total tuition for any course.

(3) An employee shall provide written evidence of satisfactory completion of the course for which payment is made.

NEW SECTION

WAC 356-39-120 EDUCATION LEAVE WITHOUT PAY—AGENCY AUTHORITY AND RESPONSIBILITY. (1) An agency may authorize educational leave without pay for an eligible employee to attend an accredited educational institution in a matriculated status to enhance the employee's career service in State government.

(2) Educational leave without pay will be approved in advance for a specific period of time, not to exceed 24 continuous months.

(3) An employee on educational leave without pay will accrue seniority and periodic increments while on educational leave without pay, provided the employee has successfully completed the academic commitment for which the educational leave was granted.

(4) The return to employment will be in accordance with Rules regarding reduction-in-force and all other applicable Rules and must be accomplished within 30 days of course completion.

NEW SECTION

WAC 356-39-130 EDUCATION LEAVE WITHOUT PAY—EMPLOYEE ELIGIBILITY AND RESPONSIBILITY. (1) Employees with permanent, or permanent project, status are eligible to be considered for education leave.

(2) Employees granted educational leave are responsible for:

(a) Gaining matriculated status at an accredited educational institution.

(b) Maintaining a satisfactory standing consistent with the approved course of study.

(c) Supplying the agency with documentation of satisfactory progress toward and completion of the agreed upon academic commitment.

NEW SECTION

WAC 356-39-140 PROVISIONS FOR CONSIDERING TRAINING AS TIME WORKED. Agencies may require employees to attend training during and/or outside of working hours. However:

(1) Employee attendance at agency-required training, either during or outside working hours, shall be considered time worked and compensated in accordance with Merit System Rules.

(2) Employee attendance at training not required by an agency, either on approved leave from or outside of working hours, shall be voluntary and not considered time worked. Agencies need not compensate employees for attendance at training when it is not considered time worked.

(3) Agencies may develop policies which allow employees to attend time-limited human resource development activities without requiring employees to take leave. Such human resource development activities must be directly related to a function of State government.

**WSR 78-02-050
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 1266—Filed Jan. 19, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to AMD: WAC 388-54-480 relating to income exclusions.

This action is taken pursuant to Notice No. 7912 filed with the code reviser on 12/7/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 18, 1978.

By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1194, filed 3/3/77)

WAC 388-54-480 INCOME EXCLUSIONS. The following shall not be considered as income to the household:

(1) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program college or university. This exclusion shall not apply if the student is an emancipated minor or living alone as he no longer can be considered a child residing in the household.

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

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

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

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

(3) Payments made under the Domestic Volunteer Services Act of 1973 to volunteers participating in the ACTION program.

(4) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period, provided such infrequent or irregular income of all household members shall not exceed \$30 in a three-month period.

(5) Any gain or benefit which is not in money, such as produce from a garden etc., except for shelter from an employer as described in WAC 388-54-475(1)(o).

(6) Payments in money for medical costs made on behalf of the household by a person other than a member of the household.

(7) All loans, except loans on which repayment is deferred until completion of the applicant's education.

(8) All property conveyed to Indian tribes and all receipts therefrom under Public Law 94-114, Section 6, shall not be considered as income nor resources.

(9) Monies received from insurance settlements, sale of property (except property related to self-employment

as previously provided for), cash prizes, awards, and gifts (except those for support, maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, and similar nonrecurring lump-sum payments.

(10) Payments received under the women, infants and children (WIC) program.

(11) Payments which are reimbursements for expenses incurred in performing volunteer services for nonhousehold members.

(12) Any payments received by Alaska Natives under the terms of the Alaska Native Claims Settlement Act.

(13) Payments made to the representative payee who acts on behalf of beneficiaries who are unable to manage the payments. Only those representative payees who demonstrate the following conditions to the eligibility worker's satisfaction shall have the representative payments not included as income to their household:

(a) the beneficiary is not a member of the payee's household. (If the payee is a member of the beneficiary's household then the payment shall be counted once to the household).

(b) The payee uses the payment only for the beneficiary's care and maintenance.

(c) The payee cannot use the payment for any purpose other than the care of the beneficiary without legal liability.

(d) Representative payments shall be included, however, as income to the beneficiary's household.

(14) The thirty dollar weekly incentive allowance received only by CETA participants receiving public assistance or whose needs or income are taken into account in determining the amount of public assistance payments to others. This subsection is effective retroactive to July 1, 1977, due to a court decision.

WSR 78-02-051
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-4—Filed Jan. 19, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial salmon fishing regulations.

I, Gordon Sandison, 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 Chum salmon have left all areas except the Nisqually River. Conservation closures are no longer necessary on the other areas.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 19, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-01300D *CLOSED AREA Effective immediately and until further notice, it shall be unlawful for any fisherman, including Treaty Indian fishermen to take, fish for or possess salmon, for commercial purposes, with any type gear in all of the Nisqually River upstream of the Nisqually Indian Reservation, and all of the tributaries.*

REPEALER

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

- WAC 220-28-007BOF *CLOSED AREAS (78-2)*
- WAC 220-28-00800J *CLOSED AREAS (77-148)*
- WAC 220-28-011AOB *CLOSED AREA - SALMON (77-125)*
- WAC 220-28-01200D *CLOSED AREAS - SALMON (77-150)*
- WAC 220-28-012AOB *CLOSED AREAS - SALMON (77-134)*
- WAC 220-28-012DOD *CLOSED AREAS - SALMON (77-130)*
- WAC 220-28-013AOA *CLOSED AREAS - SALMON (77-138)*
- WAC 220-49-06000A *PERCH FISHING SEASON (77-127)*

WSR 78-02-052
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order PT 78-1—Filed Jan. 19, 1978]

I, Charles W. Hodde, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 458-52 WAC Property Tax Annual Ratio Study.

This action is taken pursuant to Notice No. 7942 filed with the code reviser on 12-27-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.48.075 and is intended to administratively implement that statute.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 19, 1978.

By Charles W. Hodde
Director

NEW SECTION

WAC 458-52-010 **DECLARATION OF PURPOSE.** This chapter is promulgated by the department of revenue in compliance with RCW 84.48.075 to describe procedures for determination of indicated ratios of property for each county, so as to accomplish the equalization of property values required by RCW 84.12.350, 84.16.110, 84.48.080, and 84.52.065. The procedures described in this chapter for the department's annual ratio study are designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.

NEW SECTION

WAC 458-52-020 **DEFINITIONS.** "Advisory values" mean the true and fair value determinations by department appraisers or auditors made at the request of the county assessor.

"Appraisal" means the determination of the true and fair value of real property by department appraisers or county appraisers certified under RCW 36.21.015.

"Audit" means the determination of true and fair value of taxable personal property through examination of the records of the property owner by department auditors or county auditors of the assessor's staff who are qualified by training and experience in making such examinations.

"Average assessed value" is the total county assessed value of a sample grouping or classification of real or personal property divided by the number of properties in the sample.

"Average true and fair personal property value" is the total value of a sample grouping or classification as determined from personal property audits divided by the number of audits in the sample group.

"Average market value" is the total sales price, less five percent, of a sample grouping or classification of real property divided by the number of properties in the sample, or the total appraised value of a sample grouping or classification of real property divided by the number of appraisals in the same group.

"Department" means the Department of Revenue.

"Director" means the Director of Revenue.

"Land use code" means the identification of each real property parcel by numerical digits as representations of the actual major use of the property. The categories will be selected from those published in the "Standard Land Use Coding Manual" published by the Federal Bureau of Public Roads, January, 1965, plus any additional use classifications required by Washington law.

"Personal property" for the purpose of the ratio rules means the items of personal property as identified on the county assessment roll, and it shall include all personal property required to be reported by the taxpayer under

RCW 84.40.185, but excluding property owned by and assessed to another taxpayer.

"Ratio" is the percentage relationship of real property assessed value to the true and fair value of real property as determined by real property sales, by department appraisals, or by department approved county appraisals; or the percentage relationship of personal property assessed value to the true and fair value of personal property as determined from department audits or from department approved county audits.

"Manual" refers to the ratio procedures manual, a definitive text which will be developed and maintained with the assistance of the Washington State Assessors Association and published by the department explaining the specific methods and procedures necessary to perform the department's ratio study.

"Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the true and fair value of that property as determined by the department's analysis of sales, appraisals, and/or audits.

"Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

"Stratification" means the grouping of the real or personal property assessment records into specific assessed value classes and/or use code classes for measurement purposes.

"Stratum" refers to a single class of property with a given range of assessed value or having the same use code.

"Strata" refer to classes of property grouped by assessed value and/or use codes.

"Taxable real property parcels" means all real property parcels shown as subject to taxation on the county assessment record.

"Trending" consists of adjusting the sales price of a property or the appraisal value from the time of sale or appraisal to a specific point in time which is the January 1 assessment date of the study. Trending will be for time only and developed from market data only.

"True and fair value" means market value and has the same meaning as defined by WAC 458-12-300.

NEW SECTION

WAC 458-52-030 **STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY.** The stratification of the real property assessment rolls will include a parcel count of the taxable real property parcels appropriate to the ratio study. For the real property ratio study, the assessment roll will normally be stratified according to the following assessed value strata:

\$	0	—	\$	9,999
	10,000	—		15,999
	16,000	—		29,999
	30,000	—		59,999
	60,000	—		99,999
	100,000	—		199,999
	200,000	—		399,999
	400,000	—		and over

Other strata may be used if necessary to provide a more representative grouping in particular counties according to criteria set out in the manual.

The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

In those counties which have instituted a land use code system, where the department finds it feasible, stratification of the assessment roll and computation of the indicated real property ratio will be based upon the land use code abstract report as provided in these rules.

Not later than the 1982 assessment year, each county will institute a land use code system which will identify each parcel according to its use. Upon establishment of such land use code system the abstract of the assessment roll will be reported on the basis of the land use code. The assessed values will be reported as specified in the manual.

NEW SECTION

WAC 458-52-040 LAND USE CODE—ABSTRACT REPORT. Stratification of the assessment rolls and the annual abstract report for real property will be made on the following abstract categories:

Abstract Category	Land Use Code*
1. Single family residence	11, 18, 19
2. Multiple family residence	12, 13, 14
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49,
	51-59, 61-69,
	71-79
5. Agricultural	81
6. Agricultural (Current-use Law)	83
7. Forest lands (RCW 84.33)	87, 88
8. Reforestration (RCW 84.28)	86
9. Open space (Current use law)	94
10. Timberland (Current use law)	95
11. Advisory appraisals	Not applicable
12. Other	82, 84, 85, 89,
	91, 92, 93, 96-99

*Detailed definitions of land use code classifications will be contained in the manual.

NEW SECTION

WAC 458-52-050 STRATIFICATION—PERSONAL PROPERTY. The county assessed personal property accounts will normally be stratified based upon the latest assessment roll and using the following assessed value strata:

\$ 0	— \$ 9,999
10,000	— 39,999
40,000	— 79,999
80,000	— 199,999
200,000	— 499,999
500,000	— 999,999
1,000,000	— 1,999,999
2,000,000	— and over

Other strata may be used if necessary to provide a more representative grouping in particular counties according to criteria set out in the manual.

The stratification process will be performed by the department or by the county according to the standards as provided by the Manual.

The assessed values will be reported after adjustments as specified in the manual.

NEW SECTION

WAC 458-52-060 SALES STUDIES. Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in the manual.

The department's sales study generally will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or land use code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in the manual.

If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in the manual. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data for sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. The department will audit the county generated sales study.

Five percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

Those sales in the study with ratios of less than 25 percent or greater than 175 percent will be deleted from the sales study and from ratio computations. Other sales not deemed representative for use in the study, as defined by the deletion list in the manual, will also be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an 8 month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year. Where these criteria are met, trending of the sales will not be required.

NEW SECTION

WAC 458-52-070 REAL PROPERTY APPRAISAL STUDIES. The department will review a county's prior year's sales studies to determine which assessed value stratum or land use class may not have sufficient sales to produce a valid measurement of the level of assessment of the properties in that stratum or use class. Department appraisers will then appraise selected properties in those strata. The selection of properties to be appraised will be on a random basis. The appraisal date will coincide with the assessment date of the ratio study.

When the department's sample appraisals fall within a county's current revaluation area, and the assessor's appraisals upon audit are found to be consistent with accepted appraisal practices, the department will use the county's appraisal results as ratio study appraisals, but not in a greater proportion than the number of parcels in the revaluation area is to the total number of parcels in the county.

The following property values will be included in the ratio study as provided in the manual:

(1) advisory appraisals made by the department for the current year,

(2) values required to be determined by the department by law, but excluding property valued under chapters 84.12 and 84.16 RCW; and

(3) values of land classified under chapter 84.34 RCW.

Department appraisals required for determination of assessment ratios will be performed as the department deems necessary in each county every year.

NEW SECTION

WAC 458-52-080 PERSONAL PROPERTY AUDIT STUDIES. Personal property audits will be performed on those accounts selected at random within each assessed value stratum used in the ratio study for each county. These audits will be the basis of the county's personal property ratio. When those accounts selected as sample audits have been audited by the county's audit staff within the same period as the department's audit study, and the department finds the county's audit to be accurate and complete, the department will use the county's audit results as the ratio study audits.

NEW SECTION

WAC 458-52-090 INDICATED REAL PROPERTY RATIO—COMPUTATION. For each real property stratum within a county, average assessed value and average market value will be determined from the results of the selected sales and appraisal studies. These averages will be multiplied by the total number of realty parcels, applicable to the ratio study, in each stratum to determine the total estimated assessed value and the total estimated true and fair value of each stratum. The total estimated assessed value of each stratum will be divided by the total estimated true and fair value of each stratum to determine the stratum ratio. The final ratio will be computed by dividing the total estimated assessed value for all strata by the total estimated true and fair value for all strata.

The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable

and factual determination of the relationship of assessed values to true and fair value, such that a significant variation results from the rates of the previous year not deemed by the director compatible with general trends in property values; but such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

NEW SECTION

WAC 458-52-100 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION. For each personal property stratum, average assessed value and average true and fair personal property value will be determined from the results of the audit studies. These averages will be multiplied by the total number of personal property accounts in that stratum to determine the total estimated assessed value and total estimated true and fair value of each stratum. The total estimated assessed value of each stratum will be divided by the total estimated true and fair value of each stratum to determine the stratum ratio. The final ratio will be computed by dividing the total estimated assessed value of all strata by the total estimated true and fair value of all strata.

If reported to the department prior to July 1st of the assessment year of the study, values added to the assessment roll resulting from the disclosure of unreported or under-reported personal property due to audits may be included, but only to the extent the department is satisfied the assessor is correcting omissions of a similar nature in personal property assessments generally.

NEW SECTION

WAC 458-52-110 FINAL INDICATED RATIO—COMPUTATION. The indicated real property ratio and the indicated personal property ratio will be weighted into the final county indicated ratio based upon the relationship of assessed value of both the real and personal state assessed property, after equalization, and the locally assessed real and personal property as certified by the county assessor to the County Board of Equalization pursuant to RCW 84.40.320.

If a copy of the certification of current values is not received from an assessor in a timely manner for determination of the weighting of the indicated ratios, the weighting from the previous year will be used.

A copy of the certification of value to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW—current use) and the personal property roll.

NEW SECTION

WAC 458-52-120 USE OF INDICATED RATIOS. The indicated ratios will be used by the department as follows:

(1) The value of properties assessed by the state under Chapters 84.12 and 84.16 RCW, will be certified to the county assessor using

(a) the indicated personal property ratio for personal property, and

(b) the indicated real property ratio for real property.

(2) The final indicated ratio will be used for state levy purposes as required by RCW 84.52.065.

NEW SECTION

WAC 458-52-130 COUNTY ASSESSOR'S REVIEW. The county assessor will be given the opportunity to review with the department the sales, appraisal, and audit studies. This review will precede the final data computation in establishing the indicated real property and indicated personal property ratios.

NEW SECTION

WAC 458-52-140 CERTIFICATION OF COUNTY INDICATED RATIOS. The department will annually determine the indicated ratios for each county and will certify the county indicated ratios to the county assessor on or before August 1, and revisions or corrections thereof may be made by the department after consideration of recommendations received from an assessor prior to the first Monday in August.

NEW SECTION

WAC 458-52-150 ASSESSOR'S APPEAL. If an assessor has reviewed the ratio study as provided in WAC 458-52-130, the assessor may appeal the department's ratio determination, as certified for that county, to the State Board of Tax Appeals. The appeal to the State Board of Tax Appeals must be filed on or before August 11.

WSR 78-02-053

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1548—Filed Jan. 19, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at 406 General Administration Building, Olympia, Washington the annexed rules relating to: WAC 16-230-170 of Title 16: Aerial equipment boom length, pressure and nozzle requirements for the use of desiccants and defoliant in eastern Washington.

This action is taken pursuant to Notice No. 78-02-045 filed with the code reviser on 1/17/78 [which continues Notice No. 7945 filed on 12/27/77]. Such rules shall take effect: February 18, 1978.

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 19, 1978.

By Bob J. Mickelson
Director of Agriculture

AMENDATORY SECTION (Amending Order 1545, filed 11/30/77)

WAC 16-230-170 AERIAL EQUIPMENT—BOOM LENGTH, PRESSURE AND NOZZLE REQUIREMENTS. (1) Boom length:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the wing span.

(b) Helicopters: The working boom length shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor exceeds 40 feet.

(2) Aerial equipment pressure: Pressure for aerial equipment shall not exceed 30 psi at the nozzles.

(3) Aerial equipment nozzle: Applications shall be made using the following minimum nozzle orifice and core plate sizes as listed:

(a) Fixed wing:

(i) Nozzle orifice of 0.156 inches to 0.188 inches shall not use a core plate;

(ii) Nozzle orifice of 0.188 inches or larger (may use No. 46 or larger core plate): PROVIDED, That by written permit, RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(b) Helicopters:

(i) Nozzle orifice of 0.156 inches or larger (may use No. 46 core plate or larger). PROVIDED, That by written permit, RD8 nozzles with orifice size of 0.125 inches and core plate No. 45 may be used.

(ii) Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(4) A smoke device shall be required on each aircraft and shall be utilized during the application of restricted use desiccants and defoliant.

WSR 78-02-054

PROPOSED RULES

YAKIMA VALLEY COLLEGE

[Filed Jan. 20, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District 16 - Yakima Valley College intends to adopt, amend, or repeal rules concerning Board of Trustees Bylaws WAC 132P-104-011 Meetings. Section 2 Concerning Board Meeting Date, Time and Location.

that such institution will at 4:00 p.m., Wednesday, April 5, 1978 in the Prior Hall Board Room, Yakima

Valley College, Yakima, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:30 p.m., Wednesday, April 5, 1978 in the Prior Hall Board Room, Yakima Valley College, Yakima, WA.

The authority under which these rules are proposed is RCW 28B.50.070.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 5, 1978 and/or orally at 4:00 p.m., Wednesday, April 5, 1978, Prior Hall Board Room, Yakima Valley College, Yakima, WA.

Dated: January 19, 1978

By: William B. Russell

Secretary, Board of Trustees, C.C. Dist. 16

AMENDATORY SECTION (Amending Order 1545, filed 11/30/77)

WAC 132P-104-011 MEETINGS. (1) The Board of Trustees shall hold regular monthly meetings, unless dispensed with by the Board of Trustees, and such other regular or special meetings as may be requested by the Chairman of the Board or by a majority of the members of the Board.

(2) All regular meetings of the Board of Trustees shall be on the ((fast))first Wednesday of each month((:)) commencing at 4:00 p.m. in the College Board Room, located at 16th & Nob Hill Boulevard, Yakima, Washington. Notice of such regular meetings and their proposed agendas shall be publicly announced at least four (4) days prior to the meeting. All regular meetings shall be open to the public, except as provided for in RCW 42.30.110 regarding executive sessions.

(3) Special meetings shall be publicly announced at least twenty-four (24) hours prior to the meeting time in accordance with RCW 42.30.080 and shall be open to the public.

(4) Study sessions may be held prior to the regular or special meetings of the Board of Trustees and shall constitute special meetings of the Board of Trustees and shall be announced in accordance with RCW 42.30.080 and shall be open to the public.

(5) No official business shall be acted upon by the Board of Trustees except during a regular or special meeting held at a preannounced time and place.

(6) Information and materials pertinent to the agenda of all regular meetings of the Board shall be sent to Trustees prior to each meeting. Any matter of business or correspondence must be received by the Secretary of the Board by 12:00 noon four (4) days before the meeting in order to be included on the agenda. The Chairman and Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in their judgment the matter is of an emergency nature.

(7) All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(8) The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which the special meeting was called.

WSR 78-02-055
ADOPTED RULES
DEPARTMENT OF GAME
 [Order 114—Filed Jan. 20, 1978]

Be it resolved by the Game Commission, State of Washington, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules:

WAC 232-12-065 BOBCAT, CANADA LYNX AND RIVER OTTER PELT TAGGING REQUIREMENTS

WAC 232-12-240 PERMIT TO KILL GAME—GAME DAMAGE

WAC 232-12-350 DEFINITION OF FLY FISHING

WAC 232-12-405 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS.

This action is taken pursuant to Notice No. 7932 filed with the Code Reviser on December 19, 1977. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

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

APPROVED AND ADOPTED January 9, 1978.

By Ralph W. Larson
 Director

NEW SECTION

WAC 232-12-065 BOBCAT, CANADA LYNX AND RIVER OTTER PELT TAGGING REQUIREMENTS.

No person shall export from the State of Washington any raw bobcat, Canada lynx or river otter, pelts, or parts thereof, which do not have a metal Department of Game identification tag attached. Such tags are available from the Department and can only be affixed to bobcat, Canada lynx or river otter pelts, or parts thereof, legally taken in Washington.

No person shall offer for out-of-state shipment by any common carrier any raw bobcat, Canada lynx or river otter pelts, or parts thereof, nor shall any common carrier, or its agent, ship or accept for shipment such pelts, or parts thereof, without identification tags attached as required by this section.

The provisions of this section shall not apply to raw bobcat, Canada lynx or river otter pelts, or parts thereof, which were not taken in Washington; Providing, That such shipments are tagged by the state of origin and accompanied by a declaration specifying the number of raw pelts in the shipment and attesting that they were legally taken; Provided further, That the applicable provisions of WAC 232-12-060 are followed.—(Filed January 1978)

AMENDATORY SECTION (Amending Order 7, filed 7/23/70)

WAC 232-12-240 PERMIT TO KILL GAME—GAME DAMAGE.

The Director, or his duly authorized agent, may issue a written permit authorizing the permittee to kill game animals or game birds if in his opinion the killing is necessary for the prevention of damage to agricultural or horticultural crops and real or personal property. The permit shall specify the number, species, duration of the permit and the disposition of the carcasses: Provided, That landowners may take jackrabbit or yellow-bellied marmot when such animals are causing damage to their property

without obtaining a permit from the Director. (Amended January 1978)

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 2, filed 4/20/70)

WAC 232-12-350 DEFINITION OF FLY FISHING. (1) In those waters restricted to fly fishing only, legal angling tackle is limited to dry flies, wet flies, bucktail flies, nymphs and streamers.

(2) It is unlawful for any person to fish for or to take game fish in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, spinner fly, or ~~((any fly to which there is attached or tied any weight of any kind:))~~ to use tackle where a weight of any kind is attached either to the line or to the leader provided sinking fly lines or fly lines with lead or metal cores are lawful.

(3) Fixed spool reels and/or monofilament lines may not be used in fishing in those waters restricted to fly fishing only. Monofilament line may be used as a back-up line if it is attached to not less than twenty-five feet of conventional fly line at the terminal end.

(4) Any type of angling whereby the fly is cast directly from the reel shall be prohibited.

NEW SECTION

WAC 232-12-405 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS. No person(s) shall graze livestock on any land owned, or managed, by the Department of Game under lease or agreement, without obtaining a grazing land use license or agreement from the Department. The Department shall use the following procedures in administering the grazing program:

(1) A grazing land use license or agreement must be approved by the Washington State Game Commission.

(2) A proposal for a grazing land use license or agreement must demonstrate that the grazing will benefit wildlife or provide advantages to the public for hunting and fishing.

(3) For purposes of computing grazing charges and for clarification of procedures, the following definitions shall apply:

(a) Animal Unit (AU): Bull 1 AU; Cow with calf under age 6 months 1 AU; Animal age 6 months to yearling 0.6 AU.

Note: A cow with a calf under age 6 months when entering the range will be counted as one Animal Unit (AU) during that grazing period only.

(b) Animal Unit Month (AUM): One Animal Unit (AU), as defined above, grazing on the land for a period of thirty (30) days or one calendar month.

(c) Preference Right of Renewal: Preference right of renewal is the right of the holder of a license, containing

the provision, when said license is about to expire, to match a cash bonus bid made by a second party to acquire the license. By matching the bid, he retains the license subject to renewal approval by the Game Commission. Preference right of renewal is granted at the discretion of the Game Commission.

(d) Cash Bonus Bid: A bid made to acquire a new grazing license or against the preference right of renewal provided in a land use license about to expire.

(4) If the Commission approves a new grazing land use license, the Department shall advertise and sell the license at public auction to the highest bidder. Bidding will be on the basis and in the form of cash bonus bids to acquire the grazing rights provided in the new license. The cash bonus bid is paid only once at the time of the sale. Thereafter, the successful bidder must pay annual grazing charges as billed each year during the term of the land use license. The Department is authorized to reject any and all cash bonus bids if it is determined to be in the best interest of the Department.

(5) Renewals of existing but expiring licenses or agreements will be evaluated by the Department and a recommendation made to the Commission for approval or disapproval following receipt of notice from a licensee or holder of an agreement that he desires to renew the license or agreement.

(6) In the event another party, or parties, desires to acquire a license about to expire which contains a preference right of renewal, such person or persons must submit a cash bonus bid at least thirty (30) days before the license expires. The current licensee is then notified of the bid, or the highest of several bids, and he is given the opportunity to match the bid. If he does match, he retains the license subject to approval of the renewal by the Commission. If he does not match the bid, the Commission may authorize grant of the land use license to the party making the bid against the current licensee if there is only one party bidding, or the Commission may authorize a sale at public auction if more than one party has made a bid.

(7) Land use licenses or agreements may be assigned with approval of the Commission.

(8) Terms of approved land use licenses or agreements, or renewals thereof, shall not exceed five (5) years.

(9) Each land use license or agreement will contain terms and conditions peculiar to the licensee and the area of the land use. However, any license or agreement shall contain the following mandatory conditions:

(a) If a full grazing plan is not attached as an exhibit to any land use license or agreement, the Department reserves the right to formulate such a plan and add it as an exhibit to any license or agreement at any time. The grazing plan may contain provisions for use of different pastures, limitation of the number of animal units per pasture, deferred grazing use of pastures, and rotation grazing use of pastures.

(b) The Department reserves the right to alter and change the provisions of any grazing use plan to include reduction in acres of pasture available and in number of animal units authorized when the state determines that such changes are required to benefit fish or wildlife

management or public hunting or other recreational uses.

(c) Unless waived because of peculiar circumstances, all licensees or holders of agreements shall be required to report at the end of each thirty (30) days, or calendar month, to the Department the number of animal units grazed under the license or agreement and expected use for the next thirty (30) days. The report need not be submitted for those thirty-day periods or calendar months cattle are not grazed on the area. At the discretion of the Department, the licensee or holder of agreement may be required to round up all cattle for a count, not to exceed two counts per year.

(d) The licensee or holder of an agreement may or may not be required to maintain all fences to protect adjacent lands, public or private, from trespass by cattle.

(e) All lands covered by any license or agreement shall at all times be open to the public for lawful hunting and fishing and other recreation uses.

(f) The licensee or holder of an agreement, must agree to release, indemnify, and hold harmless the Department, its officers, agents, and employees of any liability to persons or property, including, but not limited to livestock, by whomsoever made and of any nature whatsoever, arising out of or in any manner connected with the exercise of the privileges granted in the license or agreement or caused by or connected with the use by the public of the lands described in a license or agreement for recreational purposes.

(10) Annual grazing charges shall be computed on an animal unit month (AUM) basis. The AUM fee for grazing less accessible higher elevation ranges shall be the same as charged by the Department of Natural Resources for grazing on its permit ranges. This AUM fee will fluctuate from year to year, as it is calculated by formula using the average sale prices of cattle during the previous year. The charges for grazing more accessible lower elevation pastures, generally in agricultural areas (e.g., Columbia Basin Irrigation Project), shall be calculated by using DNR permit range AUM fee as a base and adding twenty-five percent (25%) of the base fee.

(11) Grazing licensees will be billed annually for grazing charges and taxes thereon, if any, at the conclusion of the authorized annual grazing period. Licensee shall make payment within thirty (30) days following receipt of statement of grazing charges and leasehold excise tax or other taxes, if any.

(12) The cost of labor performed by licensees on approved range improvement projects may be credited toward grazing fees not to exceed twenty-five percent (25%) of the total grazing charges during the term of a license. Range improvement projects which may be approved for credit include range reseeding, fence construction and water development.

(13) The Department may enter into agreements for exchange of land use allowing limited livestock grazing without charges on Department of Game land, with owners of land surrounding Department of Game land or adjacent thereto, subject to approval of the Commission, when said exchange of land use is beneficial to wildlife management or provides advantage to the public

for hunting, fishing and other recreational uses as agreed upon.

(14) The Department is authorized to negotiate, subject to approval of the Commission, grazing land use licenses with groups of cattlemen organized into associations when such arrangements on certain lands are beneficial to wildlife management, public hunting and fishing, public recreational use, range management and administration of grazing on the land.

(15) A penalty charge of \$1.00 per head per day may be charged for excess or trespass grazing. Excess grazing is grazing over the allotted number of AUMs or grazing contrary to a grazing plan such as using wrong pasture or not grazing within prescribed period.

WSR 78-02-056

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 62—Filed Jan. 20, 1978]

7/1/78

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 E. Union Avenue, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

- WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49)
- WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81)
- WAC 314-52-070 OUTDOOR ADVERTISING (Rule 122)
- WAC 314-52-080 NOVELTY ADVERTISING (Rule 123)
- WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALEERS, PROHIBITED (Rule 124)
- WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES—ON PREMISES (Rule 126.1)
- WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES (Rule 126.3)
- WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES (Rule 126.6)

This action is taken pursuant to Continuation Notice No. WSR 78-02-016, filed with the code reviser on 1-11-78. Such rules shall take effect WAC 314-52-070, 314-52-080, 314-52-090, 314-52-111, 314-52-113, and 314-52-120 and shall take effect pursuant to RCW 34.04.040(2); WAC ~~314-20-100~~ and ~~314-24-190~~ shall take effect at a later date, such date being 7-1-78.

only

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 19, 1978.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 54,
filed 5/24/77) [Eff. 7/1/78]

WAC 314-20-100 BEER WHOLESALER PRICE POSTING. (RULE 49). (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the ~~((delivered))~~ wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) all brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The ~~((delivered))~~ wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ~~((Regulation (49.5)))~~ WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ~~((Regulation (49.5)))~~ WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board

shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

~~(10) ((A retail licensee at his option and upon payment of the posted delivered price as defined in WAC 314-20-100, may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time [of] such delivery, of a special identification card issued by the board to the retail licensee.~~

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.

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 54, filed 5/24/77) [Eff. 7/1/78]

WAC 314-24-190 WINE WHOLESALE PRICE POSTING. (RULE 81). (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the (~~delivered~~) wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception—Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in (~~Regulation (66)~~) WAC 314-24-080 (Rule 66).

(b) The (~~delivered~~) wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six

months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with (~~Regulation (82)~~) WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: **PROVIDED**, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with (~~Regulation (82)~~) WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) (~~A retail licensee, at his option, and upon payment of the posted delivered price as defined in WAC 314-24-190, may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee:~~

~~Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall~~

~~transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.))~~ Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

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 46, filed 6/9/76)

WAC 314-52-070 OUTDOOR ADVERTISING. (RULE 122). (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ((these regulations)) WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board

consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad((s)) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance; PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

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 46, filed 6/9/76)

WAC 314-52-080 NOVELTY ADVERTISING. ((PROHIBITED)) (RULE 123). ((No liquor trade name or the name of a manufacturer of any liquor shall be used in connection with any novelty advertising for use, sale or distribution on retail licensed premises. Such)) (1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, ((recipe booklets)) lamp shades, program folders, program cards, or similar ((articles)) items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and

~~upon a sign placed on or above the back bar as permitted by WAC 314-52-111.))~~

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A non-liquor manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS ((OR MANUFACTURER)), PROHIBITED. (RULE 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee(s) may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113((+)).

(2) ~~((WAC 314-44-020(4) and))~~ RCW 66.28.010 shall also apply to joint advertising insofar as ~~((they are))~~ it is relevant.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-111 ADVERTISING BY ((CLASS H)) RETAIL LICENSEES—ON PREMISES. (RULE 126.1). All regulations heretofore listed shall ((apply to)) govern advertising by ((Class H)) on-premises licensees such as Class A, B, C, D, and H licensees ((insofar as they are relevant)).

(1) Since the prerequisite for a Class H license is the service of complete meals, any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ~~((are))~~ is interpreted as a reference to the availability of complete meals.

(2) Filled containers of wine or beer ~~((may))~~ shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ~~((public))~~ Class H license may display wine bottles in or near dining rooms of their premises ~~((: PROVIDED,~~

~~That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed. For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement)).~~

(4) ~~((Bona fide restaurants holding either a Class C or a public Class H license))~~ Retail licensees may advertise on their premises with the retail licensee's trade name the brands ~~((name))~~ of ~~((wines sold in carafes or by the glass))~~ liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents; provided said advertising material is paid for by said retail licensee ((PROVIDED, HOWEVER, When the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer)).

(5) ~~((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer. Such signs, if used, shall be furnished by the licensee.~~

(6) One ~~((single-faced))~~ sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ~~((No advertisements shall be installed at or near doorways designed for exit purposes only.))~~

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS H)) BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. (RULE 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

(1) Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28.010 and WAC 314-12-140; PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of, the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material, the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.)) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the

property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) No retail licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ~~((beer, ale and/or wine))~~ alcoholic beverages unless the ~~((beers, ales and/or wines))~~ alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ~~((beer, ale or wine))~~ alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton".

(5) The term "point-of-sale material" as used herein, shall ~~((mean))~~ include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information ~~((booklets))~~ pamphlets, bottle hangers and ~~((any))~~ other ~~((type of))~~ such brand advertising material for display at the point of sale ~~((material not specifically listed herein))~~.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G(;) OR J (~~OR K~~) RETAIL LICENSES. (RULE 126.6). (1) Advertising by holders of Special Occasion Class G(;) or J (~~OR K~~) Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be ~~((limited))~~ governed by such other regulations ~~((as apply))~~ applicable to ~~((other))~~ retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

WSR 78-02-057
PROPOSED RULES

OFFICE OF COMMUNITY DEVELOPMENT
[Filed Jan. 20, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Office of Community Development intends to adopt, amend, or repeal rules

concerning chapter 314, Laws of 1977 rules for the provision of Security and Privacy safeguards and controls over the dissemination of information pertaining to subjects named in criminal history files and non-conviction data;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, February 1, 1978, in the Office of Community Development - Capitol Center Building.

The authority under which these rules are proposed is RCW 10.97.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 1, 1978.

This notice is connected to and continues the matter noticed in Notice Nos. 7857, 7909 & 7929 filed with the code reviser's office on November 9, 1977.

Dated: January 20, 1978

By: Eugene Wiegman
Director

WSR 78-02-058 ✓

ADOPTED RULES

COMMISSION FOR VOCATIONAL EDUCATION

[Order 78-1—Filed Jan. 20, 1978]

Be it resolved by the Washington State Commission for Vocational Education, acting at 1113 E. Legion Way, Olympia, WA, that it does promulgate and adopt the annexed rules relating to the amendment of WAC 490-38-030, Definitions, of chapter 490-38 WAC dealing with the service areas of the vocational-technical institutes and the offerings of new or expanded vocational education programs by the vocational-technical institutes and community colleges.

This action is taken pursuant to Notice No. 7924 filed with the code reviser on 12-15-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28C.04.020(6) and 28C.04.150 and is intended to administratively implement that statute:

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

APPROVED AND ADOPTED January 18, 1978.

By Homer J. Halverson
Executive Director,
State Commission for
Vocational Education

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 490-38-030 DEFINITIONS. For purposes of these rules and regulations the following terms shall have the definitions indicated: (1) Program. Program shall mean a planned sequence of courses, services, or

activities designed to meet an occupational objective, PROVIDED, That, for purposes of these regulations, program shall not mean a cooperative work station, a clinical training station, or a work study position.

(2) Commission. Commission shall mean the Commission for Vocational Education.

(3) State Plan. State Plan shall mean the Washington State Plan for Vocational Education adopted as required by Part A of Title I of the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, P.L. 94-482.

(4) Vocational Technical Institute. Vocational Technical Institute shall mean a specialized area non-graded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons 16 years of age and older without regard to residence pursuant to laws and rules and regulations pertaining to the maintenance operation and capital funding of vocational technical institutes.

(5) Community College. Community College shall mean an educational institution created by and pursuant to RCW 28B.50.010, et seq., to offer, among other things, vocational technical adult education programs, having a major emphasis on post-high school education.

(6) Local Advisory Committee. Local Advisory Committee shall mean the advisory committee established by community colleges and vocational technical institutes for the particular occupation.

(7) Days. Unless otherwise indicated in these rules and regulations any reference to "days" shall mean working days exclusive of weekends and holidays.

WSR 78-02-059
NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL ON VOCATIONAL EDUCATION
[Letter, Jan. 20, 1978]

The Washington State Advisory Council on Vocational Education will hold a meeting on Friday, February 10, 1978, beginning at 10:00 a.m. The meeting will be held at the Crestview Conference Center, 16200 - 42nd Avenue South, Seattle, Washington 98188.

WSR 78-02-060
ADOPTED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Purchasing Division)
[Order 78-1—Filed Jan. 23, 1978]

I, Vernon L. Barnes, director of the Department of General Administration, do promulgate and adopt at 1:00 p.m., January 18, 1978, Room 216A, General Administration Bldg., Olympia, Washington the rule to repeal Washington Administrative Code 236-49-050, rule relating to Emergency Purchasing, in its entirety from chapter 236-49 WAC.

This action is taken pursuant to Notice No. 7936 filed with the code reviser on 12/21/77. Such rules shall take effect pursuant to RCW 34.04.040 (2).

This rule is promulgated pursuant to RCW 43.19.190 (11) and (12) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 18, 1978.
By Vernon L. Barnes
Director

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

(1) WAC 236-49-050 EMERGENCY PURCHASES.

WSR 78-02-061
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Resolution, Board of Regents, Jan. 13, 1978]

Resolution adopted by the Board of Regents at their regular meeting, January 13, 1978:

RESOLUTION

WHEREAS, the By-laws of the Board of Regents call for regular monthly meetings, and

WHEREAS, the schedule of meetings is to be established yearly by resolution of the Board,

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Board of Regents be held on the second Friday of each month (unless that day be a University holiday), subject to change, providing that due notice is given by the Secretary of the Board in accordance with the By-laws of the Board of Regents.

Meeting schedule, by dates, will be as follows for 1978:

- January 13
- February 10
- March 10
- April 14
- May 12
- June 9
- July 14
- August 11
- September 8
- October 13
- November (to be determined later in view of the holiday on 11/10)
- December 8

Col. Fred

WSR 78-02-062
ADOPTED RULES
OLYMPIC COLLEGE
[Order 16—Filed Jan. 23, 1978]

Be it resolved by the Trustees, Community College District #3 of the Olympic College that it does promulgate and adopt the annexed rules relating to:

Handicap Grievance Procedure required under Section 504 of the Rehabilitation Act of 1973 - WAC 132C-285-010.

This action is taken pursuant to Notice No. 7910, filed with the code reviser on 12/7/77. Such rules shall take effect: pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140(13) which directs that the [Olympic College has authority to implement the provisions of] Section 504 of the Rehabilitation Act of 1973 - WAC 132C-285-010. The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January [December] 27, 1977.

By Bruce H. Leslie
Administrative Assistant

NEW SECTION

WAC 132C-285-010 GRIEVANCE PROCEDURE. Any enrolled student or employee of Olympic College who believes he/she has been discriminated against on the basis of a handicap may lodge a formal institutional grievance by:

(1) Step 1: Informal meeting—Requesting an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(2) Step 2: Official hearing—If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating a specific grievance(s), a meeting with the college handicap representative (administrative assistant to the president). Within thirty calendar days of receiving a written request, the handicap representative will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the handicap representative will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the handicap representative who will chair the meeting.

(3) Step 3: Presidential appeal—If the complaint is not resolved as a result of the hearing conducted by the handicap representative, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within ten calendar days after receiving the written results of the

official hearing. Within fifteen calendar days after receiving a written request, the college president or his designee will conduct a presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(a) The college president or his designee, the handicap representative, the complainant, and the person to whom the complaint is directed, shall attend the presidential appeal hearing. The college president or his designee shall preside.

(b) Either the complainant or the person to whom the complaint is directed may have a reasonable number of witnesses present.

(c) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

This procedure is not applicable to applicants for admission or employment.

WSR 78-02-063
ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION
[Order 96—Filed Jan. 23, 1978]

✓

I, Graham E. Johnson, director of the Public Disclosure Commission, do promulgate and adopt at 403 Evergreen Plaza Building, Olympia, Washington, the annexed rules relating to:

REPEAL WAC 390-20-010 FORMS FOR LOBBYIST REGISTRATION

NEW WAC 390-20-0101 FORMS FOR LOBBYIST REGISTRATION.

This action is taken pursuant to Notice No. 7955 filed with the code reviser on 12/29/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 17, 1978.

By Graham E. Johnson
Administrator

NEW SECTION

WAC 390-20-0101 FORMS FOR LOBBYIST REGISTRATION. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for lobbyist registration as required by RCW 42.17.150 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-1", revised 11/77. Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.



LOBBYIST REGISTRATION STATEMENT TO THE STATE OF WASHINGTON PUBLIC DISCLOSURE COMMISSION

PDC FORM L-1 REV. 11/77 LOBBYIST REGISTRATION STATEMENT

THIS SPACE FOR OFFICE USE P.M. DATE DATE RECVD.

See completion instructions at bottom of page. (Type or Print Clearly)

1. LOBBYIST'S NAME AND PERMANENT BUSINESS ADDRESS DATE PREPARED 2. CHECK Registration (Complete All Items) Add new employer (Complete All Items) except page 3

3. TEMPORARY RESIDENTIAL AND BUSINESS ADDRESSES IN THURSTON COUNTY DURING LEGISLATIVE SESSION TELEPHONE NUMBERS

4. NAME AND ADDRESS OF EMPLOYER OCCUPATION OR BUSINESS OF EMPLOYER

5. LOBBYIST IS EMPLOYED AND/OR COMPENSATED 8. DURATION OF LOBBYIST'S EMPLOYMENT 7. ESTIMATE OF DOLLARS TO BE RECEIVED THIS YEAR FOR LOBBYING ACTIVITIES:

6. ARE ANY EXPENSES OF LOBBYIST (e.g., OFFICE RENTAL, PRINTING, CLERICAL) PAID DIRECTLY BY EMPLOYER? IF SO, STATE WHICH:

9. WILL LOBBYIST BE REIMBURSED FOR EXPENSES INCURRED? IF SO, STATE WHICH EXPENSES AND DOLLAR AMOUNT OR PERCENTAGE TO BE REIMBURSED

10. FULL AND PARTICULAR DESCRIPTION OF ANY AGREEMENT, ARRANGEMENT OR UNDERSTANDING ACCORDING TO WHICH THE LOBBYIST'S COMPENSATION, OR ANY PORTION THEREOF IS OR WILL BE CONTINGENT UPON THE SUCCESS OF ANY ATTEMPT TO INFLUENCE LEGISLATION.

11. THE PERSON WHO WILL HAVE CUSTODY OF THE ACCOUNTS, BILLS, RECEIPTS, BOOKS, PAPERS AND DOCUMENTS REQUIRED TO BE KEPT UNDER THIS ACT. NAME AND ADDRESS

INSTRUCTIONS

If you have more than one employer, file a separate L-1 for each employer. WHO SHOULD FILE THIS FORM: All lobbyists, unless exempt under RCW 42.17.160. FILING DEADLINE: Before doing any lobbying or within 30 days after being employed as a lobbyist, whichever occurs first.

12. GENERAL AREAS OF INTEREST

- 12. GENERAL AREAS OF INTEREST Lobbying is most frequent before legislative committee members or state agencies concerned with the following subjects: CODE SUBJECT CODE SUBJECT

Handwritten notes: Mrs. Not typed - It is Mrs. This form will be typed now and become Mr. 1-29-78 Mr. 1-29-78

13. IF THE LOBBYIST'S EMPLOYER IS AN ENTITY (including but not limited to business and trade associations) WHOSE MEMBERS INCLUDE, OR WHICH AS A REPRESENTATIVE ENTITY UNDERTAKES LOBBYING ACTIVITIES FOR BUSINESSES, GROUPS, ASSOCIATIONS OR ORGANIZATIONS, THE NAME AND ADDRESS OF EACH MEMBER OF SUCH ENTITY OR PERSON REPRESENTED BY SUCH ENTITY WHOSE FEES, DUES, PAYMENTS OR OTHER CONSIDERATION PAID TO SUCH ENTITY DURING EITHER OF THE PRIOR TWO YEARS HAVE EXCEEDED \$500 OR WHO IS OBLIGATED TO OR HAS AGREED TO PAY FEES, DUES, PAYMENTS OR OTHER CONSIDERATION EXCEEDING \$500 TO SUCH ENTITY DURING THE CURRENT YEAR.

NAME AND ADDRESS

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with RCW 42.17.150.		EMPLOYER'S AUTHORIZATION: Confirming the employment described in this registration statement as required under RCW 42.17.150.	
14. LOBBYIST'S SIGNATURE	DATE	15. SIGNATURE AND TITLE	DATE

EXCERPTS FROM PUBLIC DISCLOSURE LAW

42.17.150 Registration of lobbyists. (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation;

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration. [1973 c 1 § 15 (Initiative Measure No. 276 § 15.)

42.17.160 Exemption from registration. The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: *Provided*, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: *Provided*, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.

(5) The governor.

(6) The lieutenant governor.

(7) Except as provided by RCW 42.17.190(1), members of the legislature.

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties.

(9) Elected state officials, officers, and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

LOBBYIST IDENTIFICATION BOOKLET

(1) Each lobbyist shall at the time he registers submit to the commission a recent three inch by five inch black-and-white photograph of himself together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words

in length; such photograph and information to be published at least annually in a booklet form by the commission for distribution to legislators and the public.

PLEASE COMPLETE PAGE 3 FOR INCLUSION IN THE LOBBYIST IDENTIFICATION BOOKLET. USE TYPEWRITER.

CONTINUED ON PAGE 3

LOBBYIST IDENTIFICATION BOOKLET

Attach 3" x 5"
black and white photo.
Photo should be head
and shoulders, full face,
and taken within last 3 years.

Please write, lightly in pencil,
name on back of photo
before attaching.

Photos will not be returned.

NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 390-20-010 FORMS FOR LOBBYIST REGISTRATION.

WSR 78-02-064
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order GT 78-1—Filed Jan. 23, 1978]

I, S.E. Tveden, assistant director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Access to Public Records, Chapter 458-276 WAC.

This action is taken pursuant to Notice No. 7950 filed with the code reviser on 12/29/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to ~~RCW 42.17.250~~ and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 23, 1978.

By S.E. Tveden
Assistant Director

Chapter 458-276 WAC
ACCESS TO PUBLIC RECORDS

WAC

- 458-276-010 Declaration of purpose.
- 458-276-020 Definitions.
- 458-276-030 Description of central and field organization.
- 458-276-040 Operations and procedures.
- 458-276-050 Public records available.
- 458-276-060 Public records officer.
- 458-276-070 Hours for records inspection and copying.
- 458-276-080 Requests for public records.
- 458-276-090 Copying.
- 458-276-100 Exemptions.
- 458-276-110 Review of denials of public records requests.
- 458-276-120 Limitations on disclosure.
- 458-276-130 Records index.
- 458-276-140 Administrative offices.
- 458-276-150 Adoption of form.

NEW SECTION

WAC 458-276-010 **DECLARATION OF PURPOSE.** This chapter is promulgated by the department of revenue in compliance with RCW 42.17.250 and to

set out procedures by which public records of the department will be made available to the public for inspection and copying.

NEW SECTION

WAC 458-276-020 **DEFINITIONS.** (1) Public Records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Department of Revenue. The department of revenue is an agency headed by a director appointed by the governor subject to conformation by the state senate. The powers and duties of the director are, inter alia, those prescribed by RCW 82.01.060. The department of revenue will hereinafter be referred to as the "department", and the director of revenue will hereinafter be referred to as the "director". Where appropriate, the term department also refers to the staff and employees of the department of revenue.

NEW SECTION

WAC 458-276-030 **DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE DEPARTMENT.** The department of revenue administers state tax laws, acts as advisor on revenue matters to the Governor, the Legislature, and other state and local agencies, and supervises and assists in the administration of property tax laws at state and local levels. The central administrative offices of the department and its staff are located at General Administration Building, Fourth Floor, Olympia, Washington 98504. Operating divisions of the department are: Field Operations, Interpretation and Appeals, Research and Information, Office Operations, Inheritance Tax, Property Tax, Administrative Services, and Forest Tax.

NEW SECTION

WAC 458-276-040 **OPERATIONS AND PROCEDURES.** Each of the major operating divisions of the department is the immediate responsibility of an assistant director of the department who is designated as director of that division.

(1) Field Operations. The director of field operations directs employees engaged in field audits, enforcement, audit review and taxpayer assistance through 16 branch offices, 4 regional offices, and several out-of-state auditors.

(2) Interpretation and Appeals. The director of interpretation and appeals and his hearing officers conduct tax hearings, publish excise tax bulletins and guidelines,

issue formal and informal interpretations, and provide advice to the legislature on excise tax matters. The division administers rules published under the Washington Administrative Code, and makes written determinations on appeals involving disputed tax liability.

(3) **Research and Information.** The director of research directs the preparation of revenue forecasts for state government and develops other statistical analyses used in the preparation of the Governor's budget. The division is responsible for the analysis of proposed legislation, and advises both the executive and legislative branches of the fiscal impact of proposed tax measures.

The director of research also is in charge of informational services and the publication of official state and local statistical documents. His staff also provides supportive data, analyses, and advice to the other divisions.

(4) **Office Operations.** The director of office operations supervises employees assigned to taxpayer registration, accounts receivable, taxpayer office audits and investigation, miscellaneous tax processing, and records maintenance.

(5) **Inheritance Tax.** The director of inheritance tax administers the collection of gift and inheritance taxes and supervises escheats and unclaimed property.

(6) **Property Tax.** The director of property taxes oversees the administration of property taxation at the state and local level, including the development of guidelines and regulations affecting the operation of assessors in the 39 counties. The division directly appraises the intercounty operating properties of railroad, power, gas, transportation, communications, and water companies.

Activities include assessment ratio studies used, in part, as a basis for allocating state funds to local taxing districts; tax mapping, coding, and appraisal assistance to the counties; appraisal manuals and tax reporting forms; motor vehicle excise tax valuations; statewide supervision of property tax exemptions and determination of eligibility for property tax exemptions for nonprofit organizations; rules for open space taxation; and supervision of county boards of equalization.

(7) **Administrative Services.** The director of administrative services directs employees engaged in budget and fiscal controls, centralized word processing, office services, systems and procedures, and automated data processing.

(8) **Forest Tax.** The director of forest tax is responsible for developing semi-annual timber stumpage value rates used in determining the tax liability for all timber harvested from private lands, and for the timely collection of the forest excise tax, and computation of the distribution of revenues to the state and local taxing districts. The division also develops forest land values annually to be used by the county assessors for the assessment of all classified and designated forest lands for property tax purposes. Field inspections of harvest sites, timber sales, and forest land sales are also performed by the division for audit, compliance, and valuation purposes.

(9) **Director of Personnel.** The personnel officer coordinates departmental employment, personnel relations and labor relations, and also is in charge of personnel

administration, employee development, employee benefits, services and safety, and affirmative action.

NEW SECTION

WAC 458-276-050 PUBLIC RECORDS AVAILABLE. All public records of the department, as defined in WAC 458-276-020(1) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 42.17.330, WAC 458-276-100, and other applicable laws.

NEW SECTION

WAC 458-276-060 PUBLIC RECORDS OFFICER. The department's public records are in the charge of the Public Records Officer designated by the director. The person so designated will be located in the central administrative office, Research and Information Division, of the department. The Public Records Officer is responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally ensuring compliance by the department with the public records disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 458-276-070 HOURS FOR RECORDS INSPECTION AND COPYING. Public records maintained in the central administrative offices will be available for inspection and copying at the administrative office during the customary office hours of the department. For the purposes of this chapter, the customary office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Specific records not available in the central administrative offices will be made available pursuant to the procedures described in WAC 458-276-080(3).

NEW SECTION

WAC 458-276-080 REQUESTS FOR PUBLIC RECORDS. (1) Chapter 42.17 RCW requires that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency. Accordingly, whenever the department believes these or other provisions of law would be violated by immediate disclosure of records, requests for inspection or copying by members of the public shall be in writing upon a form prescribed by the department which will be available at its administrative and all branch offices. The form shall be presented either to the public records officer at the central administrative offices of the department or to any tax service representative of the department at the administrative or any branch office of the department during customary office hours. Customary office hours at branch offices may vary from those of the department's administrative offices. If a tax service representative is not available at a branch office the request form may be completed and

presented to the person in charge of the office at the time the request is made or mailed to the Public Records Officer, Research and Information Division, Department of Revenue, 414 General Administration Building, Olympia, Washington 98504. The request shall include the following information:

- (a) The name of the person requesting the record;
 - (b) The time of day and calendar date on which the request is made;
 - (c) The nature of the request;
 - (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
 - (e) If the requested matter is not identifiable by reference to the department's current index, an appropriate description of the record requested.
- (2) In all cases in which a member of the public is making a request, it is the obligation of the public records officer, or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.
 - (3) If the record is not maintained in the central administrative offices of the department, after approval of the request, the public records officer will retrieve the record and advise the person making the request by telephone or mail of the time and place the record will be available, which time will be as reasonably soon after the request is made as possible.

NEW SECTION

WAC 458-276-090 **COPYING.** There is no fee for the inspection of public records. The department will charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the department's copy equipment. This charge is to reimburse the department for its costs incident to such copying.

NEW SECTION

WAC 458-276-100 **EXEMPTIONS.** (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 458-276-080 is exempt under the provisions of RCW 42.17.310, and other applicable laws.

(2) In addition, pursuant to RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of written requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(4) The department reserves the right provided by RCW 42.17.330 to move the various superior courts to enjoin the examination of any specific public record when it believes such examination would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

NEW SECTION

WAC 458-276-110 **REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request will refer it to the director. The petition will be reviewed promptly and the action of the public records officer approved or disapproved. Such approval or disapproval shall constitute final department action for purposes of judicial review under RCW 42.17.340.

NEW SECTION

WAC 458-276-120 **LIMITATIONS ON DISCLOSURE.** The department will give due regard in considering requests for public records to RCW 82.32-.330, 83.36.020, and other applicable limitations on disclosure.

NEW SECTION

WAC 458-276-130 **RECORDS INDEX.** The department will maintain and make available for public inspection and copying an appropriate index or indices in accordance with RCW 42.17.260.

NEW SECTION

WAC 458-276-140 **ADMINISTRATIVE OFFICES.** All communications with the department regarding administration or enforcement of chapter 42.17 RCW and these rules, and requests for copies of the department's decisions and other matters, shall be addressed as follows: Public Records Officer, Research and Information Division, Department of Revenue, 414 General Administration Building, Olympia, Washington 98504.

NEW SECTION

WAC 458-276-150 **ADOPTION OF FORM.** The department hereby adopts for use by all persons making written request for inspection and/or copying or copies of its records under WAC 458-276-080, the Form S.F. 276 as it exists or may hereafter be revised.

WSR 78-02-065

ADOPTED RULES

HUMAN RIGHTS COMMISSION

[Order 39—Filed Jan. 23, 1978]

Be it resolved by the Washington State Human Rights Commission, acting at Tacoma, that it does promulgate and adopt the annexed rules relating to: Repealing WAC 162-08-024, 162-08-026, and 162-08-050; readopting the first two as WAC 162-04-024 and 162-04-026; readopting WAC 162-04-050, formerly WAC 162-08-050; and amending WAC 162-08-093 so that the last word reads "basis" instead of "bases."

This action is taken pursuant to Notice No. 7959 filed with the code reviser on 12/30/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 162-04-050 is promulgated pursuant to RCW 42.18.250 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 49.60.120, which directs that the Washington State Human Rights Commission has authority to implement the provisions of the law against discrimination, chapter 49.60 RCW.

This rule is promulgated under the general rule making authority of the Washington State Human Rights Commission as authorized in RCW 34.04.020.

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

APPROVED AND ADOPTED January 19, 1978.

By Bill W. Hilliard
Executive Secretary

READOPTED SECTION (recodifying WAC 162-08-024, Order 30, filed 3/21/77)

WAC 162-04-024 CHAIRPERSON PRO TEM.

(1) The commission may designate one of its members as chairperson pro tem for a particular time or for an indefinite time, to serve at the will of the commission. If the commission has not designated a chairperson pro tem and the chairperson is absent from the state, ill, or otherwise unable to carry out the duties of chairperson, then the most senior member of the commission other than the chairperson shall serve as chairperson pro tem until the chairperson is again able to carry out the duties of chairperson.

(2) The chairperson pro tem may exercise all of the powers of the chairperson during the time when the chairperson is absent, ill, or otherwise unable to carry out the duties of chairperson.

READOPTED SECTION (recodifying WAC 162-08-026, Order 30, filed 3/21/77)

WAC 162-04-026 CLERK. (1) **Designation**. The executive secretary with the advice and consent of the chairperson shall designate a staff member to serve as clerk of the commission.

(2) **Qualifications**. The person designated as clerk shall not have any duties involving the investigation or conciliation of complaints or the prosecution of tribunal hearings. If the clerk has been actively involved in the investigation or conciliation of a case or the prosecution of a tribunal hearing in any capacity other than as clerk, he or she shall not thereafter serve as clerk for that case, and a substitute clerk shall be designated. The purpose of this subsection is to ensure compliance with RCW 34.04.115, restricting consultation with hearing officers, and RCW 49.60.250, 2d paragraph.

(3) **Duties**. The clerk shall have the duty and power to:

(a) Attend commission meetings and provide aid and services to the chairperson and commissioners as requested by the executive secretary.

(b) Assist the chairperson of the commission in appointing hearing tribunals, issuing notices of hearing and carrying out all other duties of the chairperson under RCW 49.60.250.

(c) Keep custody of the minutes of commission meetings, declaratory rulings, rulemaking orders, and the commission's order register, and other records of action by the commissioners.

(d) Keep custody of the file of complaints after they are referred to the commission for action or report of no reasonable cause at a meeting, or upon certification of the file to the chairperson under RCW 49.60.250. The clerk shall deliver the investigator's file of cases ready for hearing to the commission's chief counsel and shall obtain return of the file when litigation is completed.

(e) Respond to requests for information on actions by the commissioners or hearing tribunals and furnish copies of records and files in the clerk's possession pursuant to WAC 162-04-030, Public Access to Records.

(f) Have custody of the commission's seal.

(g) Certify copies of commission records under the commission's seal.

(h) Serve as clerk of hearing tribunals. In this capacity, the clerk, subject to the direction of the tribunal chairperson, shall keep custody of the official file of the tribunal hearing, date stamp and file all papers filed in the proceeding when the tribunal is not convened, serve all notices and papers required to be served by the tribunal, make the physical arrangements for hearings, provide for making and preserving the record of hearings, make transportation and other arrangements for tribunal members, respond to inquiries about tribunal practices and procedures, and generally do all things necessary and appropriate for the clerk of the judicial body to do.

(i) Serve as personal advisor to the chairperson of the commission and hearing tribunals on matters relating to the hearing process.

(j) Perform such other duties as the chairperson of the commission or the chairperson of a hearing tribunal shall assign from time to time, consistent with their duties.

(4) Upon direction from the chairperson of the commission, the chairperson of a hearing tribunal, or the executive secretary, whichever is the appropriate authority,

the clerk may enter upon his or her own signature, procedural orders, notices of hearing, orders appointing hearing tribunals, notices of rulemaking, and similar items.

(5) **Independence**. The clerk when assisting the chairperson of the commission to carry out the chairperson's duties under RCW 49.60.250 and when serving as clerk of a hearing tribunal shall be free from supervision of the executive secretary and other staff members of the commission to the extent necessary to ensure that the chairperson of the commission and the hearing tribunals are free from influence from staff persons having a prosecuting function.

READOPTED SECTION (Readopting Order 32, filed 3/21/77)

WAC 162-04-050 ETHICS AND CONFLICTS OF INTEREST. (1) **Purpose.** This section is intended to guide the commission's staff and commissioners on official ethics, and to carry out the policies and purposes of chapter 42.18 RCW, the Executive Conflict of Interest Act, as provided in RCW 42.18.250.

(2) **General Rule.** It is the duty of all employees of the commission and of all commissioners to maintain the highest standard of ethics in all official actions, and specifically to comply strictly with the requirements of the Executive Conflict of Interest Act, chapter 42.18 RCW.

(3) **Specific Matters.** The following applications of the rule are for guidance on common problems and to serve as examples for extension by analogy; they are not a complete catalog of applications of the general rule:

(a) **Dealing with Parties.** No commission employee who has duties with respect to a complaint pending before the commission shall deal in any way with the complainant or respondent, on a business or personal basis, except for routine transactions done on the same basis as other members of the public transact business with the party. An employee may continue to deal privately with a public utility or continue to shop at a party's store, if the employee deals with appropriate customer service representatives or salespersons and does not identify his or her official position or mix official business into the transaction. In circumstances unlike these, employees shall either not deal with parties or shall report the matter to the employee's supervisor, who shall relieve the employee of responsibility for the case. Commissioners who have nonroutine dealings with parties shall abstain from voting or other action on the matter.

(b) **Accepting Things of Value.** No commission employee or commissioner shall accept anything of economic value from a party to a complaint before the commission, or from any other person who is dealing with the commission, except under circumstances permitted in RCW 42.18.190. Permitting another person to pay for an employee's lunch is within the prohibition of this paragraph, but accepting a cup of coffee under normal office hospitality is not. If the coffee is ordered in a restaurant the prohibition of this section applies.

(c) **Honorariums for Speaking.** If the speaking engagement is within the course of a person's official duties, acceptance of an honorarium or other compensation

is prohibited. RCW 42.18.190. Payment of travel expenses and living expenses while traveling, or reimbursement of the commission for these expenses, is not prohibited, if the trip and payment arrangement have been approved by the employee's supervisor. It is not necessary for a person who is on the program to pay for a meal that is served, or for the price of admission to the seminar, where the custom is to not charge persons on the program for the meal at which they are speaking, or for admission to the seminar. The prohibitions of this subparagraph do not apply to commissioners, because speaking outside of commission meetings is not a duty of commissioners.

(d) **Job Offers.** No employee of the commission shall make or continue an application or request for employment with a party to a case or other matter before the commission while the employee has official duties with respect to that case or matter. If any employee is assigned a case or matter while he or she has an application pending for employment with a party to the case or matter, the employee shall either withdraw the application or report the facts to his or her supervisor and the supervisor shall relieve the employee from further responsibility for the case or matter. If any employee receives and considers a job offer from a party to a case or other matter pending before the commission with which the employee has official responsibilities the employee shall report the facts to his or her supervisor and the supervisor shall relieve the employee from any further responsibility for the case or matter.

(4) **Indirect Transactions.** These rules and the Executive Conflict of Interest Act apply to conflicts of interest and ethical problems whether they come directly or indirectly through members of a person's family, through corporations of which the employee is an officer, director, trustee, partner, or employee, or through other means.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-08-093 REFERENCE TO STAFF. Unless the chairperson of the commission directs otherwise for a particular complaint, all complaints shall be investigated by the section of the staff designated for that purpose by the executive secretary, and the executive secretary shall have full power to assign and reassign cases for investigation by particular staff persons, and to assign and reassign staff persons to the section of the staff that investigates complaints, on a full time or part time (~~bases~~ ~~{basis}~~) basis.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 162-08-024 CHAIRPERSON PROTEM.

(2) WAC 162-08-026 CLERK.

(3) WAC 162-08-050 ETHICS AND CONFLICTS OF INTEREST.

WSR 78-02-066

ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

[Order 77-5—Filed Jan. 24, 1978]

I, Vernon L. Barnes, director of the Department of General Administration, do promulgate and adopt at 218 General Administration Building, Olympia, WA, the annexed rules relating to new WAC chapter 236-60; Suggested Model Design, Construction and Location Standards in Constructing Curb Ramps for Physically Handicapped Person Without Uniquely Endangering Blind Persons.

This action is taken pursuant to Notice Nos. 7917 and 7954 filed with the code reviser on 12/9/77 and 12/29/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 2, chapter 137, Laws of 1977 ex. sess., which directs that the Department of General Administration has authority to implement the provisions of chapter 137, Laws of 1977 ex. sess.

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

APPROVED AND ADOPTED January 24, 1978.

By Vernon L. Barnes
Director, Dept. of Gen. Admin.

Chapter 236-60 WAC

SUGGESTED DESIGN AND CONSTRUCTION STANDARDS OF SIDEWALK AND CURB RAMPS FOR THE PHYSICALLY HANDICAPPED PERSON WITHOUT UNIQUELY ENDANGERING THE BLIND

WAC

- 236-60-001 Purpose
236-60-005 Scope
236-60-010 Definition
236-60-020 Design standards
236-60-030 Advance warning system for the blind
236-60-040 Types of suggested textures
236-60-050 Curb-ramp types
236-60-060 Curb-ramp typical
236-60-070 Curb-ramp—Type "a"
236-60-080 Curb-ramp—Type "b"
236-60-090 Curb-ramp—Type "c"
236-60-100 Factors to be considered

NEW SECTION

WAC 236-60-001 PURPOSE. The purpose of this chapter is to provide several suggested model design, construction, and location standards to aid counties, cities, and towns in constructing curb ramps to allow reasonable access to the crosswalk for physically handicapped persons without uniquely endangering

blind persons in accordance with Chapter 137, Laws of 1977, 1st Ex. Sess. (Chap. 35.68 RCW).

NEW SECTION

WAC 236-60-005 SCOPE. The Design Construction and Location Standards set forth in WAC 236-60 are suggestions only, and must be read in conjunction with the requirements of Section 1 - Chapter 137, Laws of 1977, 1st Ex. Sess. (RCW 35.68.075) and any applicable code.

If these suggested Standards are followed they should be used as a guide and not as a substitute for engineering judgment based on the conditions existing at any particular location.

NEW SECTION

WAC 236-60-010 DEFINITION. As used in this chapter, the following words shall have the following meanings: (1) Handicapped Pedestrian - A pedestrian, or person in a wheelchair, who has limited mobility, stamina, agility, reaction time, impaired vision or hearing, or who may have difficulty walking, with or without assistive devices.

(2) Curb-Ramp - An interruption in a curb with a ramp from roadway to walk which forms a part of the accessible route of travel, no part of which projects into the roadway. It includes a center ramp and two shoulder slopes.

(3) Center ramp - The sloped surface providing pedestrian access to the roadway.

(4) Shoulder slope - The sloped flared sides on each side of the center ramp, providing a gradual incline from the edge of the center ramp to the sidewalk.

(5) Landing - A level area at least as wide as and, as long as, the width (except as otherwise provided), and within or at a terminus of, a stair or ramp, but not less than 5'0" in width.

(6) Main pedestrian path - The walkway used by the pedestrian traffic clear of utility poles, signs, and parking meters.

NEW SECTION

WAC 236-60-020 DESIGN STANDARDS. The following construction standards are applicable to all curb-ramps set forth in this chapter. (1) The width of the center ramps shall be at least thirty-six (36) inches.

(2) Shoulder slopes shall not exceed one (1) inch in 6.

(3) The center ramp slope shall not exceed 1 in 12 and the cross slope shall not exceed 1 in 50.

(4) Curb ramps should contain a slip-resistant surface.

(5) The site of the curb ramp should be graded and drained to eliminate pooling of water or the accumulation of ice or water on the ramp, the ramp landing, or at the toe of the ramp.

(6) Handrails shall not be used at any point of access along the curb ramp.

(7) Curb ramps should be outside of the main pedestrian path.

(8) Whenever curb ramps are placed in the main flow of pedestrian traffic, the following standards prevail:





- (a) Align with the direction of pedestrian traffic.
- (b) Advance warning system.
- (9) The curb ramp should be distinguished from surrounding surfaces either by color or texture.
- (10) There should be no abrupt change in elevation to exceed 1/2 inch.
- (11) A landing 5 feet x 5 feet should be located at top and bottom of every curb ramp.

NEW SECTION

WAC 236-60-030 ADVANCE WARNING SYSTEM FOR THE BLIND. Whenever curb ramps are placed in the main flow of pedestrian traffic, an advance warning system is necessary in order to aid the blind. Warning materials should be adapted to local conditions. This texture should be in advance of a ramp curb. (See WAC 236-60-060).

NEW SECTION

WAC 236-60-040 TYPES OF SUGGESTED TEXTURES

WAC 236-60-040 TYPES OF SUGGESTED TEXTURES		
1		Tactile surface, such as using metal insert in concrete, with recessed pattern, and remove insert.
2		Brick-Masonry (Rough finish)
3		Aggregate stones shall be 5/8 inches maximum.
4		Traffic Buttons - not more than 1/4 inch high, 2 to 4 inches on center. Bright color. Buttons may be part of the concrete surface pattern.

NOTES:

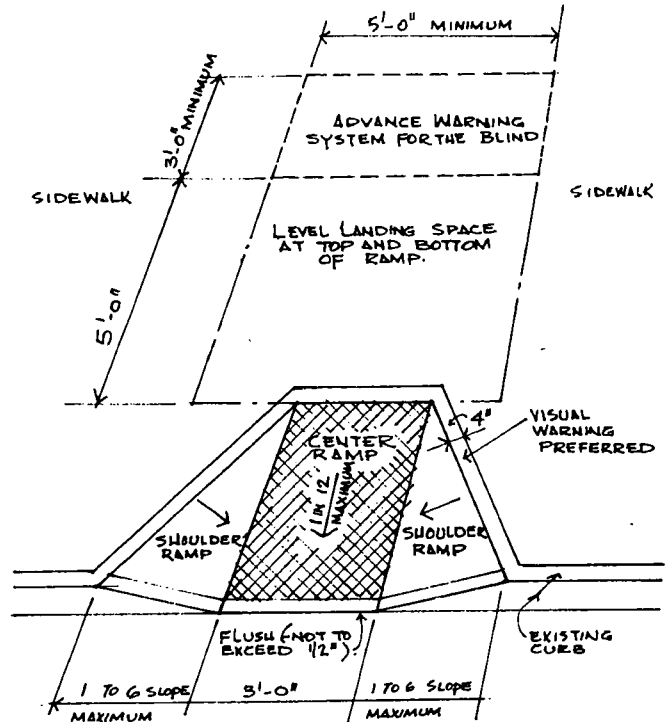
- (a) Type No. 1 is recommended for the center ramp surface.
- (b) These standards are not a substitute for engineering judgment. They provide design guidance.

NEW SECTION

WAC 236-60-050 CURB RAMP TYPES. The curb ramp depicted in WAC 236-60-060 is the suggested design for a typical curb ramp including warning system. The drawings contained in WAC 236-60-070, -080, and -090 show the suggested location for curb ramps in three different but typical curb situations. All of these drawings are guidelines and are intended to show design concept.

NEW SECTION

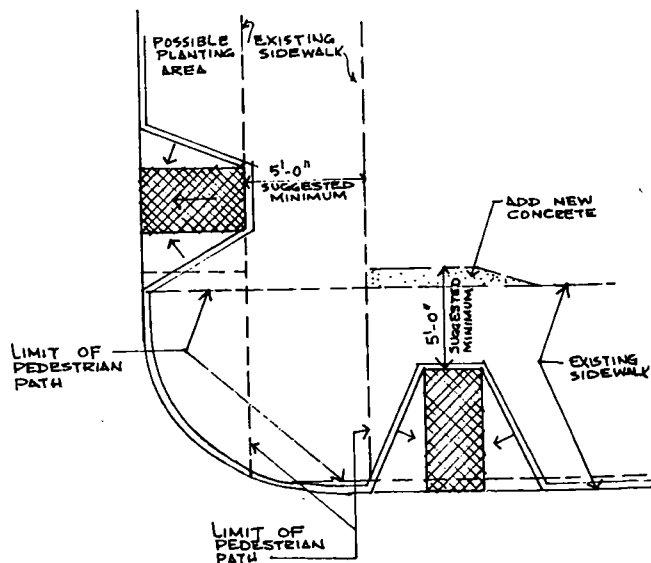
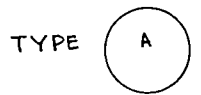
WAC 236-60-060 CURB RAMP TYPICAL. The following is a design for a typical curb ramp:



- (1) TEXTURING OF CENTER RAMP RECOMMENDED, WITH METAL GRID PLACED IN WET CONCRETE AND THEN REMOVED TO LEAVE RIDGED SURFACE PATTERN. PATTERN NOT TO EXCEED 1/2" WIDTH.
- (2) ADVANCE WARNING STRIP (SHOWN DOTTED), NECESSARY WHEN RAMP IS IN DIRECT LINE OF MAIN PEDESTRIAN PATH.

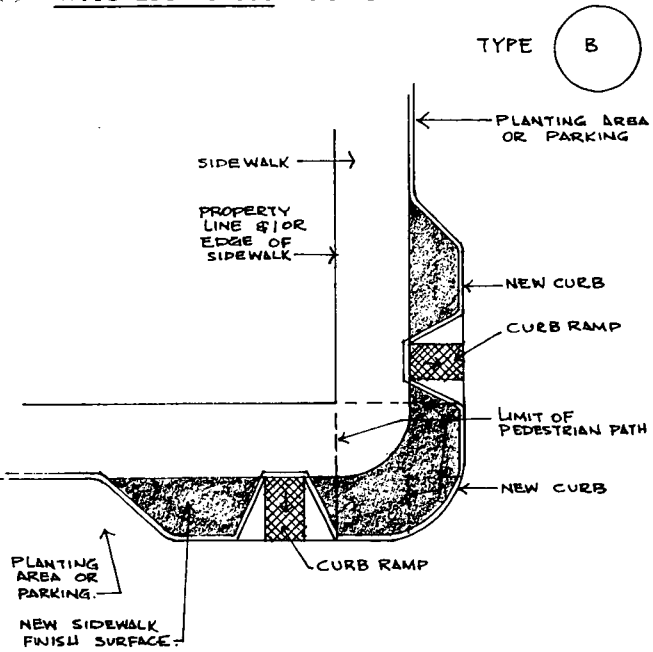
NEW SECTION

WAC 236-60-070 CURB RAMP—TYPE "A".



NEW SECTION

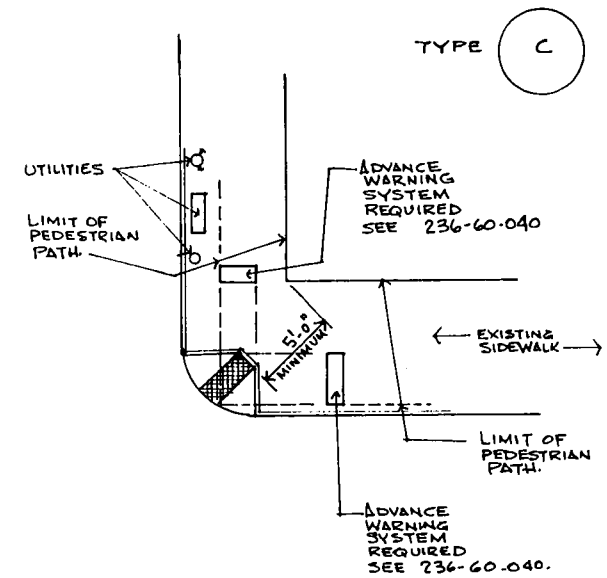
WAC 236-60-080 CURB RAMP—TYPE "B".



(1) THIS CURB RAMP TYPE CAN BE USED WITH THE EXISTING PLANTING AREA OR WITH THE SIDEWALK EXTENSION INTO THE PARKING AREA.

NEW SECTION

WAC 236-60-090 CURB RAMP—TYPE "C".



THIS CURB RAMP TYPE IS ACCEPTABLE WHEN UTILITIES ARE A CONFLICT AND/OR THE STREET GRADE EXCEEDS 25 TO 1, (4%).

NEW SECTION

WAC 236-60-100 FACTORS TO BE CONSIDERED. Factors which should be considered by a city,

town or county when deciding whether to follow or deviate from the design, surface textures and/or location standards set forth in this chapter include, but are not limited to, the following: (1) Street alignments and curb configurations that are substantially different from the curb situations shown.

- (2) An adjacent driveway or loading ramp.
- (3) Unusual sidewalk textures in the vicinity.
- (4) Steeper street grades.
- (5) Utility vaults.
- (6) Whether a different design or location would assist the handicapped pedestrian without uniquely endangering the blind.

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 78-02-067
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)
[Filed Jan. 24, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 17.10 RCW, that the Washington State Noxious Weed Control Board intends to adopt, amend, or repeal rules concerning:

WAC 16-750-010 proposed noxious weed list comprising the names of those plants which it finds to be injurious to crops, livestock, or other property.

and that such agency will at 10:30 a.m., Wednesday, March 8, 1978 in the Small Conference Room, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Wednesday, March 8, 1978 in the Small Conference Room, General Administration Building, Olympia, WA.

The authority under which these rules are proposed is chapter 17.10 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 8, 1978 and/or orally at 10:30 a.m., Wednesday, March 8, 1978, Small Conference Room, General Administration Building, Olympia, WA.

Dated: January 24, 1978
By: Bob J. Mickelson
Director of Agriculture

AMENDATORY SECTION (Amending Order No. 8, filed March 1, 1977)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the Noxious Weed Control Board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

English or Common Name	Botanical or Scientific Name
	Perennial weeds
Austrian Fieldcress	Rorippa austriaca
Baby's Breath	Gypsophila paniculata
Bermudagrass	Cynodon dactylon

English or Common Name

Bitter Nightshade
 Blue Lettuce
 Blueweed
 Bracken Fern
 Camelthorn
 Canada Thistle
 Chicory
 Common Barberry
 Common Tansy
 Common Wormwood
 Creeping Buttercup
 Dalmation Toadflax
 Diffuse Knapweed
 Docks
 Dogbane
 Evergreen Blackberry
 Field Bindweed
 Foxtail Barley
 Gorse
 Hairy Whitetop
 Hedge Bindweed
 Hoary Cress or White Top
 Horsetail Rush
 Johnson Grass
 Larkspur
 Leafy Spurge
 Lupine
 Oxeye Daisy
 Perennial Ground Cherry
 Perennial Pepperweed
 Perennial Ragweed
 Perennial Sowthistle
 Plantain
 Poverty Weed
 Purple Nutgrass
 Quackgrass
 Reed's Canary Grass
 Russian Knapweed
 Scotch Broom
 Sheep Sorrel
 Showy Milkweed
 Spotted Spurge
 Tussocks
 Water Hemlock
 Yellow Nutgrass
 Yellow Toadflax

Botanical or Scientific Name

Solanum dulcamera
Lactuca pulchella
Helianthus ciliaris
Pteridium aquilinum
Alhagi camelorum
Cirsium arvense
Cichorium intybus
Berberis vulgaris
Tanacetum vulgare
Artemisia absinthium
Ranunculus repens L.
Linaria dalmatica L.
Centaurea diffusa Lam.
Rumex spp.
Apocynum cannabinum L.
Rubus spp.
Convolvulus arvensis L.
Hordeum jubatum
Ulex europaeus
Cardaria pubescens
Convolvulus sepium L.
Cardaria draba L.
Equisetum arvense L.
Sorghum halepense
Delphinium spp.
Euphorbia esula L.
Lupinus spp.
Chrysanthemum leucanthemum
Physalis heterophylla
Lepidium latifolium L.
Ambrosia psilostachya
Sonchus arvensis L.
Plantago spp.
Iva axillaris
Cyperus rotendus L.
Agropyron repens L.
Phalaris canariensis L.
Centaurea repens L.
Cytisus scoparius
Rumex acetosella L.
Asclepias speciosa
Euphorbia maculata L.
Scirpus validus
Cicuta maculata L.
Cyperus esculentus
Linaria vulgaris

(Amendments to this section will not be known until the time of the hearing when requests for such amendments are made as provided for in RCW 17.10.080.)

WSR 78-02-068
 EXECUTIVE ORDER
 OFFICE OF THE GOVERNOR
 [EO 78-1]

AFFIRMATIVE ACTION IN STATE GOVERNMENT

WHEREAS, as an employer, state government has a continuing responsibility to set an example of equal employment practices, and

WHEREAS, analysis of current state government employment shows under-representation of women, ethnic minorities, and handicapped persons in certain geographical areas and/or agencies and within various job classifications, particularly those at higher pay ranges, and

WHEREAS, corrective action is necessary as a method of achieving an employment profile in state government which is representative of our diverse society,

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington by virtue of the power vested in me,

Affirm my commitment to attain equal employment opportunity for all, to ensure freedom from discrimination based upon race, creed, color, national origin, age, sex, marital status, or the presence of a physical, sensory, or mental handicap, in accordance with state laws and public policy,

Direct that affirmative action continue to improve the employment opportunities of under-represented protected groups in all aspects of employment,

Direct that barriers to employment of the handicapped be eliminated and that reasonable accommodations be made to ensure the inclusion of handicapped individuals in the work force.

A. In order to achieve full agency participation in this effort, I am instructing the Secretary, Director, President, or Chairman of each state agency to:

1. Develop a policy statement reaffirming and strengthening the agency's commitment to ensure that equal employment opportunities exist within the agency, in accordance with chapter 49.60 RCW.
2. Establish and maintain an affirmative action program for the agency which addresses under-utilization of protected groups. Each agency program plan shall include specific goals and objectives with target dates and supportive systems, and shall comply with chapter 162-18 WAC.
3. Appoint an official, from existing staff at the Assistant Secretary, Deputy Director, Vice-President, Vice Chairman or equivalent level who will be responsible for the development,

Biennial Weeds

African Sage
 Bull Thistle
 Houndstongue
 Poison Hemlock
 Scotch Thistle
 Spotted Knapweed
 Tansy Ragwort
 Wild Carrot
 Yellowflowered Skeleton Weed

Salvia aethiopsis
Cirsium vulgare
Cynoglossum officinale
Conium maculatum L.
Onopordum acanthium
Centaurea maculosa
Senecio jacobaea L.
Daucus carota L.
Chondrilla juncea L.

Annual Weeds

Annual Bluegrass
 Barnyard Grass
 Cocklebur
 Common Purslane
 Dodder
 Field Pennycress
 Field Sandbur
 Goatweed
 Halogeton
 Hemp (Marijuana)
 Jointed Goatgrass
 Kochia
 Maretail (Horseweed)
 Medusahead
 Pacific Meadow-Foxtail
 Puncturevine
 Rattlebox
 Silverleaf Nightshade
 Sorghum
 Swamp Smartweed
 White Horse Nettle
 Wild Mustard
 Wild Oats
 Yellow Starthistle

Poa annua
Echinochloa crusgalli
Xanthium spp.
Portulacaoleracea
Cuscuta spp.
Thlaspi arvense
Cenchrus pauciflorus
Hypericum perforatum L.
Halogeton glomeratus
Canabis sativa L.
Aegilops cylindrica
Kochia scoparia
Conyza canadensis
Elymus caput-medusae L.
Alopecurus myosuroides
Tribulus terrestris L.
Crotalaria sagittalis L.
Solanum elaeagnifolium
Sorghum spp.
Polygonum coccineum
Solanum carolinense
Brassica kaber
Avena fatua L.
Centaurea solstitialis L.

implementation, and supervision of the agency's affirmative action program. The name and title of the person designated shall be reported to the Department of Personnel or the Higher Education Personnel Board by February 15, 1978.

B. I have assigned the following responsibilities to assist in the development, implementation and updating of affirmative action programs:

1. The Department of Personnel and the Higher Education Personnel Board shall:
 - a. Provide agencies with guidelines and assistance for establishing and implementing an affirmative action program, such guidelines to be in accordance with the above-referenced state laws and regulations.
 - b. Develop a reporting system for monitoring and evaluating the progress to each agency and higher education institution toward achieving its goals, in cooperation with the Governor's Affirmative Action Review and Evaluation Committee.
2. The Human Rights Commission shall:
 - a. Evaluate affirmative action guidelines to ensure equity and compliance with state and federal regulations and law.
 - b. Enforce chapter 49.60 RCW to ensure compliance with the content and spirit of this Executive Order.
 - c. Provide technical assistance and advice to agencies and officers of state government upon request.
3. The Office of the Governor will assess affirmative action program plans and progress reports submitted through the Department of Personnel and the Higher Education Personnel Board after considering recommendations of the Governor's Affirmative Action Review and Evaluation Committee and the advice of commissions and other advisory groups concerned with issues affecting protected groups interested in the overall affirmative action progress in state government.

All of the provisions of Executive Order 72-07 are hereby rescinded and revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed this 18th day of January, 1978.

DIXY LEE RAY

Governor of Washington

BY THE GOVERNOR:

Carmela M. Bowns

Asst. Secretary of State

WSR 78-02-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed Jan. 25, 1978]

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 388-29-140 relating to monthly standards for basic requirements—AFDC—Childing living with relative not in need:

that such agency will at 10:00 a.m., Wednesday, March 8, 1978 in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 15, 1978 in William B. Pope's Office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 3/8/78 and/or orally at 10:00 a.m., Wednesday, March 8, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: January 24, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-140 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD LIVING WITH RELATIVE NOT IN NEED. (1) The standard for food, shelter, and household maintenance for a dependent child, eligible for AFDC, living with a relative not in need, shall be \$88 monthly for a child less than six years of age, \$114 monthly for a child 6 through 12 years, and \$137 monthly for a child of 13 years or older, plus \$27.45 for clothing and personal maintenance and necessary incidentals.

(2) ((The standard in subsection (1) applies to the family consisting of eligible children and parent(s) who is not in need unless the total amount of the unit's requirements computed at the standard in subsection (1) exceeds the standards in WAC 388-29-100, 388-29-110 and 388-29-145, in which case those standards are applied.

(3)) When a child lives with a relative who is in need, the standards in WAC 388-29-100, 388-29-110 and 388-29-145 are applicable.

WSR 78-02-070 *Collected ✓*
ADOPTED RULES
BOARD OF PHARMACY
 [Order 140—Filed Jan. 25, 1978]

Be it resolved by the Washington State Board of Pharmacy that it does promulgate and adopt the annexed rules relating to the regulation of controlled substances, amending WAC 360-36-010 by updating all references to federal regulations to the existing regulations of the federal government published in the code of federal regulations revised as of April 1, 1977, and including the application and renewal fees for limited sodium pentobarbital registration.

This action is taken pursuant to Notice No. 7926 filed with the code reviser on 12/15/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.50.301 which directs that the Washington State Board of Pharmacy has authority to implement the provisions of the Uniform Controlled Substances Act, chapter 69.50 RCW.

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

APPROVED AND ADOPTED January 19, 1978.

By Theodore Taniguchi
Chairman

AMENDATORY SECTION (Amending Order 132, filed 5/4/77)

WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances, the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the (~~(Federal Register on April 24, 1977)~~) code of federal regulations revised as of April 1, 1977, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: section (~~((301.11-13))~~) 1301.11-13, section (~~((301.31))~~) 1301.31, section (~~((301.43-57))~~) 1301.43-57, section (~~((303))~~) 1303, section (~~((308.41-47))~~) 1308.41-48 and section (~~((316.31-67))~~) 1316.31-67. The following specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on May 31st of each year. The registration fee shall be as follows:

(a) \$15.00 for a dispensing registration (i.e., pharmacies);

(b) \$10.00 for the annual renewal for dispensing (i.e., pharmacies);

(c) \$30.00 for registration for distributors (i.e., wholesalers);

(d) \$25.00 for the annual renewal for distributors (i.e., wholesalers);

(e) \$55.00 for a registration for manufacturers;

(f) \$50.00 for the annual renewal for manufacturers;

(g) \$15.00 for application for physician's assistant;

(h) \$10.00 for the annual renewal for physician's assistant;

(i) \$15.00 for application for limited registration to obtain sodium pentobarbital for animal euthanasia;

(j) \$10.00 for annual renewal of limited sodium pentobarbital registration.

(3) A separate registration is required for each principle place of business (as defined in section (~~((301.23))~~) 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in RCW 18.64.043 and RCW 18.64.045.

(4) Every registrant shall be required to keep inventory records required by section (~~((304.04))~~) 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, a copy of the report transmitted to the federal authorities (a copy of the report must be sent to the board at the same time);

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section (~~((307.11))~~) 1307.11 (federal rules).

(5) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file

which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

WSR 78-02-071
PROPOSED RULES
LOWER COLUMBIA COLLEGE
[Filed Jan. 26, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the Lower Columbia College intends to adopt, amend, or repeal rules concerning:

NEW: WAC 132A-325-010, 132L-325-020, 132L-325-030, 132L-325-040, 132L-325-050 and 132L-325-060, guidelines implementing chapter 43.21C RCW, the State Environmental Policy Act. See attachment for full text of proposed rules.

that such institution will at 7:30 p.m., Wednesday, March 15, 1978, in the Board Room, Lower Columbia College, Longview, Washington 98632, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 p.m., Wednesday, March 15, 1978, in the Board Room, Lower Columbia College, Longview, Washington 98632.

The authority under which these rules are proposed is RCW 28B.50.140 and 43.21C.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 1, 1978 and/or orally at 7:30 p.m., Wednesday, March 15, 1978, Board Room, Lower Columbia College, Longview, Washington 98632.

Dated: January 26, 1978

By: Steven P. Recor
Assistant Attorney General

NEW SECTION

WAC 132L-325-010 INTRODUCTION. When the Office of Administration or another unit on campus begins to consider taking an action which might affect the environment (e.g., revising the master plan, constructing a new building or recreation facility, adding to an existing facility, landscaping, utilities modification or installation, or adopting or revising grounds maintenance policies), the College shall follow the steps outlined in WAC 132L-325-010 through 132L-325-060.

NEW SECTION

WAC 132L-325-020 STATE ENVIRONMENTAL POLICY ACT COMPLIANCE. It is the policy of Lower Columbia College that capital projects proposed to be developed by the college and other similar type activities shall be accomplished in compliance with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with Chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. To this end, Lower Columbia College hereby adopts by reference to the following sections or subsection of Chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the State of Washington, Council on Environmental Policy):

- WAC 197-10-040: Definitions
- WAC 197-10-060: Scope of a Proposal and its Impacts
- WAC 197-10-160: No Presumption of Significance for Non-Exempt Actions
- WAC 197-10-170: Categorical Exemptions
- WAC 197-10-175: Exemptions and Non-Exemptions Applicable to Specific State Agencies
- WAC 197-10-180: Exemptions for Emergency Actions
- WAC 197-10-190: Use and Effect of Categorical Exemptions
- WAC 197-10-200: Lead Agency—Responsibilities
- WAC 197-10-203: Determination of Lead Agency—Procedures
- WAC 197-10-205: Lead Agency Designation—Governmental Proposals
- WAC 197-10-210: Lead Agency Designation—Proposals Involving Both Private and Public Construction
- WAC 197-10-215: Lead Agency Designation—Private Projects for Which There is Only One Agency
- WAC 197-10-220: Lead Agency Designation—Private Projects, Licenses From More than One Agency When One is City/County
- WAC 197-10-225: Lead Agency Designation—Private Projects, License From More Than One State Agency
- WAC 197-10-230: Lead Agency Designation—Specific Proposals
- WAC 197-10-235: Local Agency Transfer of Lead Agency Status to a State Agency
- WAC 197-10-240: Agreements as to Lead Agency Status
- WAC 197-10-245: Agreements Between Agencies as to Division of Lead Agency Duties
- WAC 197-10-260: Dispute as to Lead Agency Determination—Resolution by CEP
- WAC 197-10-270: Assumption of Lead Agency by Another Agency with Jurisdiction
- WAC 197-10-300: Threshold Determination Requirement
- WAC 197-10-305: Recommended Timing for Threshold Determination
- WAC 197-10-310: Threshold Determination Procedures—Environmental Checklist
- WAC 197-10-320: Threshold Determination Procedures—Initial Review of Environmental Checklist
- WAC 197-10-330: Threshold Determination Procedures—Information in Addition to Checklist
- WAC 197-10-340: Threshold Determination Procedures—Negative Declarations
- WAC 197-10-345: Assumption of Lead Agency Status by Another Agency with Jurisdiction—Prerequisites, Effect and Form of Notice
- WAC 197-10-350: Affirmative Threshold Determinations
- WAC 197-10-355: Form of Declaration of Significance/Non-Significance
- WAC 197-10-360: Threshold Determination Criteria—Application of Environmental Checklist
- WAC 197-10-365: Environmental Checklist
- WAC 197-10-370: Withdrawal of Affirmative Threshold Determination
- WAC 197-10-375: Withdrawal of Negative Threshold Determination
- WAC 197-10-390: Effect of Threshold Determination by Lead Agency Duty to Begin Preparation of a Draft EIS
- WAC 197-10-400: Duty to Begin Preparation of a Draft EIS
- WAC 197-10-410: Pre-Draft Consultation Procedures
- WAC 197-10-425: Organization and Style of a Draft EIS
- WAC 197-10-440: Contents of a Draft EIS
- WAC 197-10-442: Special Considerations Regarding Contents of an EIS
- WAC 197-10-444: List of Elements of the Environment
- WAC 197-10-450: Public Awareness of Availability of Draft EIS
- WAC 197-10-455: Circulation of the Draft EIS—Review Period
- WAC 197-10-460: Specific Agencies to which Draft EIS shall be sent
- WAC 197-10-465: Agencies possessing Environmental Expertise
- WAC 197-10-470: Costs to the Public for Reproduction of Environmental Documents
- WAC 197-10-480: Public Hearing on a Proposal—When Required
- WAC 197-10-485: Notice of Public Hearing on Environmental Impact of the Proposal
- WAC 197-10-490: Public Hearing on the Proposal—Use of Environmental Document
- WAC 197-10-495: Preparation of Amended or New Draft EIS

- WAC 197-10-500: Responsibilities of Consulted Agencies—Local Agencies
 WAC 197-10-510: Responsibilities of Consulted Agencies—State Agencies with Jurisdiction
 WAC 197-10-520: Responsibilities of Consulted Agencies—State Agencies with Environmental Expertise
 WAC 197-10-530: Responsibilities of Consulted Agencies—When Pre-Draft Consultation has Occurred
 WAC 197-10-535: Cost of Performance of Consulted Agency Responsibilities
 WAC 197-10-540: Limitations on Responses to Consultation
 WAC 197-10-545: Effect of No Written Comment
 WAC 197-10-550: Preparation of the Final EIS—Time Period Allowed
 WAC 197-10-570: Preparation of Final EIS—When no Critical Comments Received on the Draft EIS
 WAC 197-10-580: Preparation of the Final EIS—Contents—When Critical Comments Received on Draft EIS
 WAC 197-10-600: Circulation of the Final EIS
 WAC 197-10-650: Effect of an Adequate Final EIS Prepared Pursuant to NEPA
 WAC 197-10-652: Supplementation by a Lead Agency of an Inadequate Final NEPA EIS
 WAC 197-10-660: Use of Previously Prepared EIS for a Different Proposed Action
 WAC 197-10-690: Use of a Lead Agency's EIS by Other Acting Agencies for the Same Proposal
 WAC 197-10-695: Draft and Final Supplements to a Revised EIS
 WAC 197-10-700: No Action for Seven Days after Publication of the Final EIS
 WAC 197-10-710: EIS Combined with Existing Planning and Review Processes
 WAC 197-10-830: Responsibilities of Agencies—SEPA Public Information Center
 WAC 197-10-835: Regional SEPA Public Information Centers
 WAC 197-10-840: Application of Agency Guidelines to On-going Actions

WSR 78-02-072
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed Jan. 26, 1978]

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: Chapter 388-55 WAC relating to Asian refugee assistance.

that such agency will at 10:00 a.m., Wednesday, March 8, 1978 in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 15, 1978 in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1978 and/or orally at 10:00 a.m., Wednesday, March 8, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: January 24, 1978

By: Gerald E. Thomas
 Deputy Secretary

NEW SECTION

WAC 132L-325-030 STATE ENVIRONMENTAL POLICY ACT "RESPONSIBLE OFFICIAL." In compliance with Chapter 197-10 WAC, the president of Lower Columbia College or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy.

NEW SECTION

WAC 132L-325-040 INFORMATION CENTER AND REGISTER DISTRIBUTION. The SEPA public information center required by chapter 197-10 WAC, shall be maintained in the Office of Administration of Lower Columbia College. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-380(4) to those individuals and organizations who make written request therefore.

NEW SECTION

WAC 132L-325-050 PUBLICATION OF NOTICE OF ACTION. Any action, as defined in WAC 197-10-040, undertaken by Lower Columbia College, shall be publicized as prescribed in RCW 43.21C.080.

NEW SECTION

WAC 132L-325-060 TIME LIMIT FOR COMPLETION OF EIS PROCESS. As soon as possible after a proposal for action has been formulated and its scope defined the responsible official or his designee shall establish the date by which the EIS process for the particular project must be completed.

AMENDATORY SECTION (Amending Order 1188, filed 2/18/77)

WAC 388-55-010 (~~VIETNAMESE AND CAMBODIAN~~) INDOCHINESE REFUGEE ASSISTANCE. (1) Assistance shall be granted to Vietnamese, Cambodian and Laotian refugees within the provisions of Public Law ((94-313))95-145, the Indochin(~~a~~)ese ((Migration and)) Refugee Assistance ((Act))Program. ((and Public Law 94-330, Special Appropriations for Assistance to Refugees from Cambodia, Vietnam and Laos:))

(2) For the purpose of the refugee assistance program a refugee is defined as a Cambodian, Vietnamese or Laotian national who has ((been paroled into the United States as a refugee, or has been granted voluntary departure as a refugee by the Immigration and Naturalization Service (INS):

(a) Parole is granted only prior to or at entry into the United States.

(b) Voluntary departure is granted when a refugee had entered the country as a nonimmigrant prior to the refugee evacuation:

(c) Possession of INS form I-94 indicating that the person has been paroled into the U. S. or has been granted "voluntary departure" status shall constitute evidence of refugee status:))

fled from and cannot return to his 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) An individual who has parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.

(b) An individual who has voluntary departure status as indicated by Form I-94.

(c) An individual who has conditional entry status as indicated by Form I-94.

(d) An individual who was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

(e) An individual who has permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(3) Indochinese refugee assistance cases eligible for the AFDC and/or Medicaid programs shall be transferred to such programs retroactively effective as of October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees must meet AFDC or Medicaid eligibility criteria to be transferred.

(b) A refugee cash assistance case being transferred to AFDC shall be regarded as a recipient rather than a new applicant so that income shall be disregarded accordingly.

(4) Applications from refugees not currently receiving refugee cash and/or medical assistance shall be determined for AFDC or Medicaid eligibility before determining eligibility for the refugee assistance program.

(a) If the applicant is determined not eligible for AFDC, eligibility shall then be determined under the refugee assistance program.

(b) If the applicant is determined not eligible for Medicaid, eligibility shall then be determined under the refugee assistance program.

~~((3))~~ (5) Requirements of categorical relatedness of federal assistance programs are waived((-)) for refugees under the refugee assistance program.

~~((4))~~ (6) Assistance to all types of refugee cases, regardless of family composition, shall be provided at the AFDC monthly payment standards; income and resources will be treated according to AFDC standards. ((WAC 388-28-005 through 388-28-133 and 388-28-600 are applicable.)) No resources which are not available, including property remaining in Vietnam, Laos or Cambodia, shall be considered in determining eligibility for financial assistance.

~~((5))~~ (7) The refugee family unit which includes United States citizen children, by virtue of their being born in this country, shall be treated as a single assistance unit under the refugee assistance program.

~~((6))~~ (8)(a) All applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which they are a part are required to register for employment with the state employment service unless the individual is

(i) an individual who is under 16, or who is under age 21 and is attending school or training full time, or who is age 21 or over and is attending school or training as approved by the department;

(ii) a person who is ill, incapacitated, or over 65;

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

(iv) a mother or other caretaker of a child under the age of six who is caring for the child;

(v) a mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause.

(b) The nonexempt refugee applicant or recipient must accept employment when available as specified in WAC 388-57-025(4) through (7).

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

~~((7)(a) In the instance of a refugee who is employed and receiving supplementary assistance, the department shall require part-time training such as English language or skill training, if available and determined appropriate, if the refugee is employed part-time (less than 100 hours per month), as a condition for continued receipt of assistance.~~

~~(b) English as a second language is defined as a training program for the purpose of this section.)~~

~~((8))~~ (9) Refusal of an employable adult recipient to register with the Employment Service or to accept or continue employment or training opportunity without good cause, as determined by the ESSO, will result in the following actions:

(a) The ESSO will provide counseling within 7 days of recipients refusal to participate. This counseling is intended to provide the refugee with an understanding of the implications of his refusal to accept employment or training, and to encourage the refugee's acceptance of such opportunity. Only one such counseling session is required but additional counseling may be provided at the discretion of the ESSO.

(b) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated 30 days after the date of his original refusal. The refugee shall be given at least 10

days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:

(i) If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the assistance unit.

(ii) If such individual is the only individual in the assistance unit, the grant shall be terminated.

(iii) The recipient's voluntary agency (VOLAG) shall be notified if either action (i) or (ii) takes place.

(iv) A decision by the refugee to accept employment or training, made at any time within the 30-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

(v) An employable refugee shall be ineligible for a period of 30 days after the termination of assistance because of refusal to accept or continue employment or training.

~~((9) Recipients of assistance currently attending school at the time of the effective date of this revision will be allowed to finish the current semester or quarter.)~~

~~((10) Full-time attendance in a college program is not considered appropriate training unless:~~

~~(a) The individual will finish his/her degree within one year from the effective date of this revision;~~

~~(b) The program has a definite short-term employment objective (less than one year) and is approved by the ESSO as part of an employability plan for the refugee; or)~~

~~(c) The individual is an Indochinese professional who is attending college to become relicensed in his/her profession, in which case continued attendance shall be approved up to September 30, 1977, if such course of study is not completed earlier.~~

~~((11))~~ (10) A refugee of any age who is otherwise eligible shall not be denied cash assistance while enrolled and participating in a training program which is part of an employability plan approved by the ESSO, that is, training intended to have a definite short-term (less than one year) employment objective.

~~((12))~~ (11)(a) Adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-28-570, regardless of assistance unit composition.

(b) The income of a refugee dependent child shall be treated as specified in WAC 388-28-535.

~~((13))~~ (12) All refugee recipients who are 65 years of age or older, or who are blind or disabled will be referred immediately to the social security administration for SSI benefits. The SSI applicant will be included in the assistance grant at the AFDC standard until payments are received.

~~((14))~~ (13)(a) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(b) Eligibility for medical care for the nonrecipient refugee shall be determined as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. Subdivision ((12)) (11)(a) is applicable in determining the amount of participation in medical costs for refugee recipients.

(c) The refugee recipient who becomes ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that

(i) In the case of a single individual assistance unit:

(A) The individual received assistance in at least three (3) of the six (6) months immediately preceding the month of ineligibility; and

(B) He/she continues to be employed

(ii) In the case of a multiple individual assistance unit

(A) The family received assistance in at least three (3) of the six (6) months immediately preceding the month of ineligibility; and

(B) A member of the family continues to be employed.

(d) Medical need shall not be an eligibility factor.

~~((15))~~ (14) Refugee recipients shall have their continuing eligibility for financial and medical assistance redetermined at least once in every three months of continuous receipt of assistance.

WSR 78-02-073
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1267—Filed Jan. 26, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington the annexed rules relating to chapter 388-55 WAC relating to Asian refugee assistance.

I, Gerald E. Thomas, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: These rules are necessary to implement Public Law 95-145. Federal regulations mandate an effective date of 10/1/77. There is insufficient time for regular adoption.

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 secretary of Department of Social and Health Services as authorized in RCW 43.20A.550.

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

APPROVED AND ADOPTED January 24, 1978.

By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1188, filed 2/18/77)

~~WAC 388-55-010 ((VIETNAMESE AND CAMBODIAN)) INDOCHINESE REFUGEE ASSISTANCE (1) Assistance shall be granted to Vietnamese, Cambodian and Laotian refugees within the provisions of Public Law ((94-313)) 95-145, the Indochin((a))ese ((Migration and)) Refugee Assistance ((Act)) Program. ((and Public Law 94-330, Special Appropriations for Assistance to Refugees from Cambodia, Vietnam and Laos.))~~

~~(2) For the purpose of the refugee assistance program a refugee is defined as a Cambodian, Vietnamese or Laotian national who has ((been paroled into the United States as a refugee, or has been granted voluntary departure as a refugee by the Immigration and Naturalization Service (INS)).~~

~~(a) Parole is granted only prior to or at entry into the United States.~~

~~(b) Voluntary departure is granted when a refugee had entered the country as a nonimmigrant prior to the refugee evacuation.~~

~~(c) Possession of INS form I-94 indicating that the person has been paroled into the U. S. or has been~~

~~granted "voluntary departure" status shall constitute evidence of refugee status.))~~

fled from and cannot return to his 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) An individual who has parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.

(b) An individual who has voluntary departure status as indicated by Form I-94.

(c) An individual who has conditional entry status as indicated by Form I-94.

(d) An individual who was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

(e) An individual who has permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(3) Indochinese refugee assistance cases eligible for the AFDC and/or Medicaid programs shall be transferred to such programs retroactively effective as of October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees must meet AFDC or Medicaid eligibility criteria to be transferred.

(b) A refugee cash assistance case being transferred to AFDC shall be regarded as a recipient rather than a new applicant so that income shall be disregarded accordingly.

(4) Applications from refugees not currently receiving refugee cash and or medical assistance shall be determined for AFDC or Medicaid eligibility before determining eligibility for the refugee assistance program.

(a) If the applicant is determined not eligible for AFDC, eligibility shall then be determined under the refugee assistance program.

(b) If the applicant is determined not eligible for Medicaid, eligibility shall then be determined under the refugee assistance program.

~~((3))~~ (5) Requirements of categorical relatedness of federal assistance programs are waived((:)) for refugees under the refugee assistance program.

~~((4))~~ (6) Assistance to all types of refugee cases, regardless of family composition, shall be provided at the AFDC monthly payment standards; income and resources will be treated according to AFDC standards. ((WAC 388-28-005 through 388-28-133 and 388-28-600 are applicable.)) No resources which are not available, including property remaining in Vietnam, Laos or Cambodia, shall be considered in determining eligibility for financial assistance.

~~((5))~~ (7) The refugee family unit which includes United States citizen children, by virtue of their being born in this country, shall be treated as a single assistance unit under the refugee assistance program.

~~((6))~~ (8) (a) All applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which they are a part are required to register for employment with the state employment service unless the individual is

(i) an individual who is under 16, or who is under age 21 and is attending school or training full time, or who is age 21 or over and is attending school or training as approved by the department;

(ii) a person who is ill, incapacitated, or over 65;

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

(iv) a mother or other caretaker of a child under the age of six who is caring for the child;

(v) a mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause.

(b) The nonexempt refugee applicant or recipient must accept employment when available as specified in WAC 388-57-025(4) through (7).

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

~~((7)) (a) In the instance of a refugee who is employed and receiving supplementary assistance, the department shall require part-time training such as English language or skill training, if available and determined appropriate, if the refugee is employed part-time (less than 100 hours per month), as a condition for continued receipt of assistance.~~

~~(b) English as a second language is defined as a training program for the purposes of this section.)~~

~~((8)) (9) Refusal of an employable adult recipient to register with the Employment Service or to accept or continue employment or training opportunity without good cause, as determined by the ESSO, will result in the following actions:~~

~~(a) The ESSO will provide counseling within 7 days of recipients refusal to participate. This counseling is intended to provide the refugee with an understanding of the implications of his refusal to accept employment or training, and to encourage the refugee's acceptance of such opportunity. Only one such counseling session is required but additional counseling may be provided at the discretion of the ESSO.~~

~~(b) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated 30 days after the date of his original refusal. The refugee shall be given at least 10 days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:~~

~~(i) If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the assistance unit.~~

~~(ii) If such individual is the only individual in the assistance unit, the grant shall be terminated.~~

(iii) The recipient's voluntary agency (VOLAG) shall be notified if either action (i) or (ii) takes place.

(iv) A decision by the refugee to accept employment or training, made at any time within the 30-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

(v) An employable refugee shall be ineligible for a period of 30 days after the termination of assistance because of refusal to accept or continue employment or training.

~~((9) Recipients of assistance currently attending school at the time of the effective date of this revision will be allowed to finish the current semester or quarter.)~~

~~((10) Full-time attendance in a college program is not considered appropriate training unless:~~

~~(a) The individual will finish his/her degree within one year from the effective date of this revision.~~

~~(b) The program has a definite short-term employment objective (less than one year) and is approved by the ESSO as part of an employability plan for the refugee, or)~~

~~(c) The individual is an Indochinese professional who is attending college to become relicensed in his/her profession, in which case continued attendance shall be approved up to September 30, 1977, if such course of study is not completed earlier.~~

~~((11)) (10) A refugee of any age who is otherwise eligible shall not be denied cash assistance while enrolled and participating in a training program which is part of an employability plan approved by the ESSO, that is, training intended to have a definite short-term (less than one year) employment objective.~~

~~((12)) (11) (a) Adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-28-570, regardless of assistance unit composition.~~

~~(b) The income of a refugee dependent child shall be treated as specified in WAC 388-28-535.~~

~~((13)) (12) All refugee recipients who are 65 years of age or older, or who are blind or disabled will be referred immediately to the social security administration for SSI benefits. The SSI applicant will be included in the assistance grant at the AFDC standard until payments are received.~~

~~((14)) (13) (a) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).~~

~~(b) Eligibility for medical care for the nonrecipient refugee shall be determined as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. Subdivision ((12)) (11) (a) is applicable in determining the amount of participation in medical costs for refugee recipients.~~

~~(c) The refugee recipient who becomes ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that~~

~~(i) In the case of a single individual assistance unit:~~

(A) The individual received assistance in at least three (3) of the six (6) months immediately preceding the month of ineligibility; and

(B) He/she continues to be employed

(ii) In the case of a multiple individual assistance unit

(A) The family received assistance in at least three (3) of the six (6) months immediately preceding the month of ineligibility; and

(B) A member of the family continues to be employed.

(d) Medical need shall not be an eligibility factor.

((+15)) (14) Refugee recipients shall have their continuing eligibility for financial and medical assistance redetermined at least once in every three months of continuous receipt of assistance.

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 78-02-074
ADOPTED RULES
CODE REVISER

[Order 17—Filed Jan. 26, 1978]

I, Richard O. White, Code Reviser, do promulgate and adopt at Olympia the annexed rules relating to WAC 1-12-930 (Form CR-7), WAC 1-12-940 (Form CR-8), WAC 1-13-930 (Form CR-9), WAC 1-13-940 (Form CR-10) to make permanent the amendments of November 21, 1977, in Emergency Order No. 16.

This action is taken pursuant to Notice No. 7934 filed with the code reviser on 12/20/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.08.040 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 28B.19.080 and 34.04.055 which directs that the Code Reviser has authority to implement the provisions of chapters 28B.19 and 34.04 RCW.

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

APPROVED AND ADOPTED January 11, 1978.

By R. O. White
Code Reviser

AMENDATORY SECTION (Amending Order 15, filed 10/31/77)

WAC 1-12-930 FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD (CR-7).

State of Washington

(agency name)

Administrative Order No.

(1) I,, director of, do promulgate and adopt at (place) the annexed rules relating to:

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on, Such rules shall take effect:

- [] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I,, 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:

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

(3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the (agency)

has authority to implement the provisions of _____ (name of act or RCW citation)

AMENDATORY SECTION (Amending Order 15, filed 10/31/77)

(c) This rule is promulgated under the general rule-making authority of the _____ (agency) as authorized in RCW _____

WAC 1-12-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-8).

(4) The undersigned hereby ((certifies that, to the best of his or her knowledge, the applicable requirements of the Administrative Procedure Act, chapter 34.04 RCW, have been fulfilled)) 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).

State of Washington

(name of governing body)

(agency name, if applicable)

Resolution No. _____ Administrative Order No. _____

(1) Be it resolved by the _____, acting at _____ (place), that it does promulgate and adopt the annexed rules relating to:

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED _____ 19...

By _____

Title

[Form CR-7: Effective 12/1/77]

NOTE:

¹RCW 34.04..... (1977 c 19 § 2) provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____"

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

.....
(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being

.....
(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We,, 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:

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

.....
(3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

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

(b) This rule is promulgated pursuant to RCW which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation) .

(c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

(4) The undersigned hereby ((certifies that, to the best of his or her knowledge, the applicable requirements of the Administrative Procedure Act, chapter 34.04 RCW, and of the Open Public Meetings Act, chapter 42.30 RCW, have been fulfilled)) 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).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED, 19...

By -----

Title

[Form CR-8: Effective 12/1/77]

NOTE:

¹See WAC 1-12-930, Note 1 for an explanation.

AMENDATORY SECTION (Amending Order 15, filed 10/31/77)

WAC 1-13-930 FORM OF ORDER AND TRANSMITTAL BY INSTITUTION HAVING SINGLE HEAD (CR-9).

State of Washington

(name of institution)

Administrative Order No.

(1) I,, (position) of the (institution), do promulgate and adopt at (place) the annexed rules relating to:

.....
(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

pursuant to RCW 28B.19.050(2).

at a later date, such date being

.....
(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I,, 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:

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

.....
(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

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

(b) This rule is promulgated pursuant to RCW which directs that the (institution) has authority to implement the provisions of (name of act or RCW citation) .

(c) This rule is promulgated under the general rule-making authority of the (institution) as authorized in RCW

(4) The undersigned hereby ((certifies that, to the best of his or her knowledge, the applicable requirements of the Higher Education Administrative Procedure Act, chapter 28B.19 RCW, have been fulfilled)) 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).

(5) This order after being first recorded in the order register of this institution is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED, 19...

By -----

Title

[Form CR-9: Effective 12/1/77]

AMENDATORY SECTION (Amending Order 15, filed 10/31/77)

WAC 1-13-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-10).

State of Washington

(name of governing body)

(name of institution)

Resolution No. Administrative Order No.

(1) Be it resolved by the board of of the (institution) acting at (place), that it does promulgate and adopt the annexed rules relating to:

.....
(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

- pursuant to RCW 28B.19.050(2).
- at a later date, such date being

.....
(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We,, 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:

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

.....
(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

- (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW which directs that the (institution)

has authority to implement the provisions of (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the (institution) as authorized in RCW

(4) The undersigned hereby ((certifies that, to the best of his or her knowledge, the applicable requirements of the ~~Higher Education Administrative Procedure Act, chapter 28B.19 RCW, and of the Open Public Meetings Act, chapter 42.30 RCW, have been fulfilled~~) 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).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED, 19...

By -----

Title

[Form CR-10: Effective 12/1/77]

WSR 78-02-075
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 78-5—Filed Jan. 26, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington the annexed rules relating to commercial Salmon and Sturgeon fishing regulation for the Columbia River.

I, Gordon Sandison, 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 Chinook salmon and Sturgeon in the Columbia River are of sufficient stocks to allow commercial fishing pursuant to regulations passed by the Columbia River Compact. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 26, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-03000G GILL NET SEASONS Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031, and WAC 220-32-032, it shall be unlawful to take, fish for, or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except in those areas at those times and with the gear designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of the Willamette River.

6 p.m. February 26 until 6 p.m. March 3, 1978
6 p.m. March 5 until 6 p.m. March 8, 1978
8 inch minimum mesh restriction.

NEW SECTION

WAC 220-32-04000A STURGEON—SETLINE Notwithstanding the provisions of WAC 220-32-040, it shall be unlawful to take, fish for, or possess sturgeon for commercial purposes with setline gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line project from Grays Point light to Harrington Point and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except at those times, with the gear and provisions designated below:

12 noon February 1 until 12 noon April 30, 1978;
12 noon August 1 until 12 noon October 31, 1978.

Setline gear will be limited to 3 lines with not more than 500 hooks per line.

Buoys must be marked on each end with the fishing license number.

Fishermen must register with their respective states before participating in the fishery.

NEW SECTION

WAC 220-32-05100E GILL NET SEASONS Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it shall be unlawful to take, fish for, or possess salmon for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon February 1 until 12 noon April 1, 1978 — No mesh restrictions.

NEW SECTION

WAC 220-32-05700A SEASON STURGEON Notwithstanding the provisions of WAC 220-32-057, it shall be unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River

Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon February 1 to 12 noon May 31, 1978 and 12 noon August 1 to 12 noon October 31, 1978. Setline gear shall be limited to no more than 1,500 hooks.

Fishermen must register with their respective tribes before participating in the fishery. The tribes shall provide these lists to the respective states.

WSR 78-02-076

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed Jan. 26, 1978]

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 establishing and clarifying the Department of Ecology's procedures for identifying facilities eligible for tax credits or exemptions under chapter 82.34 RCW; defining "dual purpose" facilities eligible for partial credit or exemption; amending chapter 173-24 WAC—Regulation Relating to Tax Exemptions and Credits For Pollution Control Facilities.

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 13, 1978, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.21A.080, 43.21A.090, and chapter 82.34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 8, 1978 and/or orally at 10:00 a.m., Monday, March 13, 1978, Hearings Room, Department of Ecology, Lacey, Washington.

Dated: January 19, 1978

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-010 INTRODUCTION AND PURPOSE. Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purpose of this regulation is to establish a procedure for reviewing applications for tax benefits received from the department of revenue for review by the department of ecology, including the establishment of criteria for ~~((granting or denying the approval by the Department of Ecology of such an application for a tax credit or exemption))~~ identifying the individual facilities within each application and, for each facility, approving the facility, approving the facility as a "dual purpose pollution control facility," or denying the facility.

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-030 DEFINITIONS. Unless a different meaning is plainly required by the context, the following words as hereinafter used in this chapter shall have the following meanings:

(1) "Commercial or industrial operation" shall mean the industrial, manufacturing, waste disposal, utility or other commercial

establishment operated by an applicant for a certificate under chapter 82.34 RCW.

(2) "Department" shall mean the Washington state department of ecology.

(3) "Dual purpose pollution control facility" or "dual purpose facility" shall mean a facility in which the portion for the purpose of pollution control is so integrated into the total facility with portions for other purposes that separation into identifiable component parts is not possible.

(4) "Facility" shall mean any treatment works, control devices, disposal systems, machinery, equipment, structures or property ((or any physically or conceptually identifiable part or accessories thereof)) for which a certificate is applied for under chapter 82.34 RCW or any physically or conceptually identifiable part or accessories thereof.

((4)) (5) "Necessary to the manufacture of products" shall mean that without which manufacture of products at the present or proposed level could not be undertaken.

If the manufacture of products could be undertaken at present levels without a facility, even though such manufacture would be uneconomical or impractical, such facility is not necessary to the manufacture of products. However, if a commercial or industrial operation is recovering or producing chemicals or heat for use in the manufacturing process at the time it submits an application, then any facilities necessary for such production or for recovery of chemicals at present percentage rates will be considered necessary to the manufacture of products.

((5)) (6) "Pollution" shall mean "air contaminant" and "air pollution" as defined in RCW 70.94.030, and "pollution" as defined in RCW 90.48.020.

((6)) "Pollution control element" shall mean any part of a facility conceptually identifiable as necessary for pollution control pursuant to WAC 173-24-070.)

(7) "Products" as used in the phrase, "manufacture of products," shall include the item or items which an industrial operation is designed primarily to manufacture or produce.

(8) "Regional or local air pollution control authority" shall mean any local or regional entity or control program considered as an "authority" for the purpose of chapter 70.94 RCW.

(9) "Single purpose facility" shall mean a facility other than a dual purpose facility.

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-060 ACTION BY THE DEPARTMENT WITHIN THIRTY DAYS—REQUEST FOR FURTHER INFORMATION. The department shall within thirty days of receipt of an application ((either approve, disapprove, or request further information on the same. Any facility for which adequate information is available for approval shall be approved within thirty days of the receipt of the application, even though further information regarding other facilities is requested. In any case in which the applicant desires approval for all or part of any facility necessary for the manufacture of products, the applicant shall supply sufficient information to the Department to establish the basis for identification of a pollution control element in such facility)) from the department of revenue make the identification and classification described in WAC 173-24-070 and approval or denial described in WAC 173-24-080, or it shall request further information from the applicant. A copy of any request from the department to the applicant for further information shall be transmitted to the department of revenue. The failure of the applicant to supply any additional information requested by the department, without reasonable grounds for such failure, may result in disapproval of all or part of the application.

The department shall notify the department of revenue in writing of ((the approval or disapproval of)) its decisions on any application submitted to it, and a copy of such notification shall be sent to the applicant by certified mail.

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-070 IDENTIFICATION ((OF COMPONENT PARTS)) AND CLASSIFICATION OF FACILITIES. The department will review each application to determine whether the facility is a single, integrated facility, or can be separated, either physically or conceptually, into identifiable component parts. ((A portion of a facility may be identified conceptually as a pollution

control element, even though physically part of a larger whole, if such identification can be reasonably made in view of chapter 82.34 RCW, and the pollution control element so identified meets the requirements for approval set forth in WAC 173-24-080 through 173-24-110.)) Each component part ((or pollution control element)) shall be considered as a separate facility for the purpose of the department's review of the application. The department will identify all such facilities within each application.

For each facility identified, the department shall classify it as a "dual purpose facility" or a "single purpose facility."

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-080 APPROVAL OF A FACILITY. The department shall approve any facility when:

(1) It was installed or intended to be installed for the primary purpose of pollution control, and;

(2) When it is operated or intended to be operated primarily for the purpose of pollution control, and;

(3) When it is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 RCW or chapter 90.48 RCW;

If the facility does not meet these criteria, it shall be denied.

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-100 OPERATION FOR THE PURPOSE OF POLLUTION CONTROL. A facility is operated or intended to be operated primarily for the purpose of pollution control when:

(1) The emissions or effluents from the commercial or industrial operation do or will contain measurably less pollution with the facility installed than they would without the facility installed, and;

(2) ((The)) For a facility other than a dual purpose facility it is not necessary to the manufacture of products. ((Provided that, a pollution control element of equipment necessary for the manufacture of products may be approved if such element meets the requirement of subsection (1) of this section and the manufacture of products could be undertaken at the present or proposed level with revised equipment without the presence of the pollution control element or its equivalent.))

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-110 MEETING THE INTENT AND PURPOSES OF CHAPTER 70.94 RCW AND CHAPTER 90.48 RCW. A facility is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 RCW, and chapter 90.48 RCW, when:

(1) Normal operation of the particular commercial or industrial operation with the facility installed will not be in violation of any provision of chapter 70.94 RCW, or chapter 90.48 RCW and;

(2) Such operation will meet the requirements of any applicable permits, orders, regulations or standards of the department or a regional or local air pollution control authority((, and, in the absence of any order, permit, or regulation directed specifically to such operation, the facility will constitute the best known, available, and reasonable means of preventing and controlling water pollution)).

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-140 DELEGATION. The powers, duties and functions vested in the department by chapter 82.34 RCW, will be performed by the ((Public Services Branch of the Department, acting through the Executive Assistant Director of said branch)) deputy director of the department or his delegate.

AMENDATORY SECTION (Amending Order DE 70-1, filed 8/4/71)

WAC 173-24-150 DELEGATION OF STATE RESPONSIBILITIES UNDER FEDERAL PROGRAM. The functions of the "state certifying authority" for the federal tax credit program for pollution control facilities shall be performed by the ((Public Services Branch of the Department, acting through the Executive Assistant Director of said branch)) deputy director of the department or his delegate.

WSR 78-02-077
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed Jan. 26, 1978]

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 the providing of needed capital for the planning, acquisition, construction, and improvements of water supply facilities to alleviate water supply conditions arising from the drought forecast for 1977, as authorized by chapter 1, Laws of 1977 ex. sess., and section 75, chapter 339, Laws of 1977 ex. sess.; creating chapter 173-166 WAC—Emergency Water Withdrawal Facilities. This rule is promulgated pursuant to section 75, chapter 339, Laws of 1977 ex. sess., and is intended to administratively implement that specific General Fund - State Emergency Water Projects Revolving Account.

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 8, 1978, in the Department of Ecology (Room 273, San Rafael Hall), Lacey, Washington.

The authority under which these rules are proposed is section 75, chapter 339, Laws of 1977 ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 3, 1978 and/or orally at 10:00 a.m., Wednesday, March 8, 1978, Department of Ecology (Rm. 273, San Rafael Hall), Lacey, Washington.

Dated: January 19, 1978
 By: Elmer C. Vogel
 Deputy Director

Chapter 173-166 WAC
EMERGENCY WATER WITHDRAWAL FACILITIES

WAC

173-166-010	Purpose.
197-166-020	Authority.
173-166-030	Definitions.
173-166-040	Grant and loan fund conditions.
173-166-050	Loan and grant formula.
173-166-060	Loans.

NEW SECTION

WAC 173-166-010 PURPOSE. The purpose of this chapter is to implement that specific appropriation General Fund-State Emergency Water Projects Revolving Account as provided in section 75, chapter 339, Laws of 1977 first extraordinary session, relating to implementation of chapter 1, Laws of 1977 first extraordinary session.

NEW SECTION

WAC 197-166-020 AUTHORITY. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter 1, Laws of 1977 first extraordinary session, chapter 339, Laws of 1977 first extraordinary session, and after giving notice as provided in chapter 34.04 RCW.

NEW SECTION

WAC 173-166-030 DEFINITIONS. (1) "Department" shall mean the department of ecology.
 (2) "User" shall mean any public body which operates, maintains and manages agricultural water supply facilities to divert, carry and

distribute water to moisture deficient land used for the production of commercial crops.

NEW SECTION

WAC 173-166-040 GRANT AND LOAN FUND CONDITIONS. (1) The director may make loans or combination loans and grants for the following types of projects:

- (a) Water withdrawal facilities to divert water from any source approved under provisions of chapter 1, Laws of 1977 first extraordinary session, to provide supplemental water to lands previously irrigated for projects which include one or more of the following facilities:
 - (i) Diversion Structures
 - (ii) Pumps and motors and accessories
 - (iii) Penstocks and discharge lines
 - (iv) Canals
 - (v) Pipelines
 - (vi) Wells
- (b) Water conservation facilities to provide water which would not otherwise be available to the lands previously irrigated for projects which include the following work:
 - (i) Repair
 - (ii) Rehabilitation
 - (iii) Improvement
 - (iv) Replacement
 - (v) Control structures

(2) Criteria. The director may make loans or combination loans and grants to an eligible user, for projects generally meeting the following criteria:

- (a) Wherever possible, considering cost/effectiveness, the least costly alternative, including conservation measures, to supply adequate water supplies.
- (b) The project will produce measurable water supply benefits in relation to the total needs arising from drought conditions.
- (c) Projects having long-term drought-relief benefits.
- (d) The project selected will minimize impacts on the environment.
- (e) Alternate sources, including conservation through improvements to existing withdrawal facilities, will be favored over increasing withdrawal of water supplies impacted by drought conditions.
- (f) The project will provide water to previously irrigated lands.
- (g) The project will not reduce flows or levels below essential minimums as necessary (i) to assure the maintenance of fisheries requirements, and (ii) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

NEW SECTION

WAC 173-166-050 LOAN AND GRANT FORMULA. The director may make loans and grants, according to the following formula:

- (1) The department may advance funds from these emergency appropriations to make loans or combinations of loans and grants to a user. The grant portion of a combination loan and grant to a user for any project shall not exceed fifteen percent of the total amount received under the drought program by such project.
- (2) Loan and grants shall be based upon the user's repayment capabilities.
- (3) The grant shall be contingent upon the user accepting the loan.

NEW SECTION

WAC 173-166-060 LOANS. Loans for rehabilitation may be provided at interest determined appropriate by the director, but in no event may the interest be less than five and one fourth percent whenever a combination fifteen percent grant and eighty-five percent loan is made.

WSR 78-02-078
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
 [Order 9—Filed Jan. 26, 1978]

I, W. A. Bulley, Secretary, of Transportation, do promulgate and adopt at Room 1D9, Highway

Administration Bldg., Olympia, WA the annexed rules relating to the amendment of WAC 252-32-539, prohibition of parking on State Route 539 from Mile Post 10.53 at Kok Road, to Mile Post 10.63, a distance of 0.10 mile.

This action is taken pursuant to Notice No. 7961 filed with the code reviser on 12-30-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

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

APPROVED AND ADOPTED January 23, 1978.

By V. W. Korf
Acting Deputy Secretary of Transp.

AMENDATORY SECTION (Amending Order No. 319, filed June 29, 1977)

WAC 252-32-539 STATE ROUTE 539 (1) Laurel Road Vicinity. Parking is prohibited on both sides of State Route 539 from Laurel Road, Mile Post 5.00, northerly to Mile Post 5.19, a distance of 0.19 mile.

(2) **Hemmi Road Intersection.** No parking any time on the west side of State Route 539, from 0.05 mile south of Hemmi Road, Mile Post 5.45, to the Junction with Hemmi Road, Mile Post 5.50, a distance of 0.05 mile.

(3) **Wiser Lake Bridge Vicinity.** Parking is prohibited on both sides of State Route 539 from a point 1,000 feet south of the Wiser Lake Bridge at Mile Post 8.24 northerly to a point 650 feet north of said bridge at Mile Post 8.56, a distance of 0.32 mile.

(4) **Kok Road Intersection.** Parking is prohibited on the west side of State Route 539 from Kok Road, Mile Post 10.53, northerly to Mile Post 10.63, a distance of 0.10 mile.

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 78-02-079

PROPOSED RULES

COMMISSION FOR VOCATIONAL EDUCATION

[Filed Jan. 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Washington State Commission for Vocational Education intends to adopt, amend, or repeal rules concerning new guidelines implementing chapter 43.21C RCW, the State Environmental Policy Act, as shown in the attached proposed WAC 490-325-010, 490-325-020, 490-325-030, 490-325-040, 490-325-050 and 490-325-060.

that such agency will at 9:30 a.m., Thursday, March 23, 1978, in the Everett Community College, 801 Wetmore Avenue, Everett conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, March 23, 1978, in the Everett Community College, 801 Wetmore Avenue, Everett.

The authority under which these rules are proposed is RCW 43.21C.120, chapter 28C.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 22, 1978 and/or orally at 9:30 a.m., Thursday, March 23, 1978, Everett Community College, 801 Wetmore Avenue, Everett.

Dated: January 27, 1978

By: Homer J. Halverson
Executive Director

NEW SECTION

WAC 490-325-010 INTRODUCTION. When the Commission for Vocational Education, hereinafter referred to as CVE, begins to consider taking an action which might affect the environment (e.g., developing or revising the master plan, constructing a new building or adding to an existing facility, landscaping, or modifying or installing utilities), the CVE shall follow the steps outlined in WAC 490-325-010 through RCW 490-325-060.

NEW SECTION

WAC 490-325-020 STATE ENVIRONMENTAL POLICY ACT COMPLIANCE. It is the policy of the CVE that capital projects proposed to be developed by the agency shall be accomplished in compliance with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with Chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. To this end, the CVE hereby adopts by reference to the following sections or subsection of Chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the the State of Washington Council on Environmental Policy):

- WAC 197-10-040: Definitions
- WAC 197-10-060: Scope Of A Proposal And Its Impacts
- WAC 197-10-160: No Presumption Of Significance For Non-Exempt Actions
- WAC 197-10-170: Categorical Exemptions
- WAC 197-10-175: Exemptions And Non-Exemptions Applicable To Specific State Agencies
- WAC 197-10-180: Exemption For Emergency Actions
- WAC 197-10-190: Use And Effect Of Categorical Exemptions
- WAC 197-10-200: Lead Agency—Responsibilities
- WAC 197-10-203: Determination Of Lead Agency—Procedures
- WAC 197-10-205: Lead Agency Designation—Governmental Proposals
- WAC 197-10-210: Lead Agency Designation—Private Projects For Which There Is Only One Agency
- WAC 197-10-215: Lead Agency Designation—Private Projects For Which There Is Only One Agency With Jurisdiction
- WAC 197-10-220: Lead Agency Designation—Private Projects Requiring Licenses From More Than One Agency, When One Of The Agencies Is A County/City
- WAC 197-10-225: Lead Agency Designation—Private Projects Requiring Licenses From More Than One State Agency
- WAC 197-10-230: Lead Agency Designation—Specific Proposals
- WAC 197-10-235: Local Agency Transfer Of Lead Agency Status To A State Agency
- WAC 197-10-240: Agreements As To Lead Agency Status
- WAC 197-10-245: Agreements Between Agencies As To Division Of Lead Agency Duties
- WAC 197-10-260: Dispute As To Lead Agency Determination—Resolution by CEP
- WAC 197-10-270: Assumption Of Lead Agency Status By Another Agency With Jurisdiction
- WAC 197-10-300: Threshold Determination Requirement
- WAC 197-10-305: Recommended Timing for Threshold Determination
- WAC 197-10-310: Threshold Determination Procedures—Environmental Checklist

- WAC 197-10-320: Threshold Determination Procedures—Initial Review of Environmental Checklist
- WAC 197-10-330: Threshold Determination Procedures—Information In Addition To Checklist
- WAC 197-10-340: Threshold Determination Procedures—Negative Declarations
- WAC 197-10-345: Assumption of Lead Agency Status By Another Agency With Jurisdiction Over A Proposal—Pre-Requisites, Effect And Form of Notice WAC 197-10-350: Affirmative Threshold Determination
- WAC 197-10-355: Form Of Declaration Of Significance/Non-Significance
- WAC 197-10-360: Threshold Determination Criteria—Application of Environmental Checklist
- WAC 197-10-365: Environmental Checklist
- WAC 197-10-370: Withdrawal Of Affirmative Threshold Determination
- WAC 197-10-375: Withdrawal Of Negative Threshold Determination
- WAC 197-10-390: Effect Of Threshold Determination By Lead Agency Duty To Begin Preparation Of A Draft EIS
- WAC 197-10-400: Pre-Draft Consultation Procedures
- WAC 197-10-410: Organization And Style Of A Draft EIS
- WAC 197-10-425: Contents Of A Draft EIS
- WAC 197-10-440: Special Considerations Regarding Contents Of An EIS On A Nonproject Action
- WAC 197-10-442: List Of Elements Of The Environment
- WAC 197-10-444: Public Awareness Of Availability Of Draft EIS
- WAC 197-10-450: Circulation Of The Draft EIS—Review Period
- WAC 197-10-455: Specific Agencies To Which Draft EIS Shall Be Sent
- WAC 197-10-460: Agencies Possessing Environmental Expertise
- WAC 197-10-465: Cost To The Public For Reproduction Of Environmental Documents
- WAC 197-10-470: Public Hearing On A Proposal—When Required
- WAC 197-10-480: Notice Of Public Hearing On Environmental Impact Of The Proposal
- WAC 197-10-485: Public Hearing On The Proposal—Use Of Environmental Documents
- WAC 197-10-490: Preparation Of Amended Or New Draft EIS
- WAC 197-10-495: Responsibilities Of Consulted Agencies—Local Agencies
- WAC 197-10-500: Responsibilities Of Consulted Agencies—State Agencies With Jurisdiction
- WAC 197-10-510: Responsibilities Of Consulted Agencies—State Agencies With Environmental Expertise
- WAC 197-10-520: Responsibilities Of Consulted Agencies—WHEN Pre-Draft Consultation Has Occurred
- WAC 197-10-530: Cost Of Performance Of Consulted Agency Responsibilities
- WAC 197-10-535: Limitations On Responses To Consultation
- WAC 197-10-540: Effect Of No Written Comment
- WAC 197-10-545: Preparation Of The Final EIS—Time Period Allowed
- WAC 197-10-550: Preparation Of The Final EIS—Contents—When No Critical Comments Received On The Draft EIS
- WAC 197-10-570: Preparation Of The Final EIS—Contents—When Critical Comments Received On Draft EIS
- WAC 197-10-580: Circulation Of The Final EIS
- WAC 197-10-600: Effect Of An Adequate Final EIS Prepared Pursuant To NEPA
- WAC 197-10-650: Supplementation By A Lead Agency Of An Inadequate Final NEPA EIS
- WAC 197-10-660: Use Of Previously Prepared EIS For A Different Proposed Action
- WAC 197-10-690: Use Of Lead Agency's EIS By Other Acting Agencies For The Same Proposal
- WAC 197-10-695: Draft And Final Supplements To A Revised EIS
- WAC 197-10-700: No Action For Seven Days After Publication Of The Final EIS
- WAC 197-10-710: EIS Combined With Existing Planning And Review Processes
- WAC 197-10-831: Responsibility Of Agencies—SEPA Public Information
- WAC 197-10-840: Application Of Agency Guidelines To Ongoing Actions

NEW SECTION

WAC 490-325-030 STATE ENVIRONMENTAL POLICY ACT "RESPONSIBLE OFFICIAL." In compliance with Chapter 197-10 WAC, the CVE Executive Director or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy.

NEW SECTION

WAC 490-325-040 INFORMATION CENTER AND REGISTER DISTRIBUTION. The SEPA public information center

required by Chapter 197-10 WAC, shall be maintained in the Office of the CVE Executive Director. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-830(4) to those individuals and organizations who make written request therefore.

NEW SECTION

WAC 490-325-050 PUBLICATION OF NOTICE OF ACTION. Any action, as defined in WAC 197-10-040, undertaken by the CVE, shall be publicized as prescribed in RCW 43.21C.080.

NEW SECTION

WAC 490-325-060 TIME LIMIT FOR COMPLETION OF EIS PROCESS. As soon as possible after a proposal for action has been formulated and its scope defined the responsible official or his designee shall establish the date by which the EIS process for the particular project must be completed.

**WSR 78-02-080
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 72—Filed Jan. 27, 1978]**

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sports fishery in the Quileute River system.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is:

Reported catch from creel census monitoring by Game Department employees indicates that all harvestable steelhead in the Quileute River system have been taken with the exception of an area of the Bogachiel River in which a large proportion of hatchery fish is present (presently estimated at 89% of the catch in that area). Therefore, it is necessary that the sports fishery be terminated in all of the Quileute River system with the exception of the Bogachiel River from its mouth to the Highway 101 Bridge in order to protect fish necessary for spawning escapement.

This rule is promulgated under the authority of the Director of Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

APPROVED AND ADOPTED at Olympia, Washington, this 27th day of January, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-108 CLOSURE OF THE QUILEUTE RIVER TO THE TAKING OF

STEELHEAD BY SPORTS FISHERY. *It shall be unlawful to take, fish for or possess steelhead trout from the Quileute River system including all tributaries with the exception of that portion of the Bogachiel River from its mouth to Highway 101 Bridge which shall remain open to sports fishing only with a one fish daily bag limit effective 6:00 P.M., January 29, 1978.*

REPEALER

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

WAC 232-32-300A CLOSURE OF THE
QUILEUTE RIVER AND TRIBUTARIES TO THE
TAKING OF STEELHEAD BY SPORTS FISHERY
WAC 232-32-300B TEMPORARY
REGULATION

WSR 78-02-081

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.60 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning establishment of Apiary Board area boundaries.

New: WAC 16-602-010.

that such agency will at 10:00 a.m., Tuesday, March 14, 1978, in the Holiday Inn, Ellensburg, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 30, 1978, in the Conference Room, 4th Floor, General Administration Bldg., Olympia.

The authority under which these rules are proposed is chapter 15.60 RCW.

Interested persons may submit data, views, or arguments to this agency orally at 10:00 a.m., Tuesday, March 14, 1978, Holiday Inn, Ellensburg, Washington.

Dated: January 30, 1978

By: C. T. Nielsen
Assistant Director

Chapter 16-602 WAC
APIARIES

NEW SECTION

WAC 16-602-010 APIARY BOARD, AREA BOUNDARIES.
Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.

Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.

Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.

Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.

Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.

Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille.

WSR 78-02-082

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.17 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning establishment of a Washington State cherry grade. New: WAC 16-414-010, 16-414-020, 16-414-030, 16-414-040, 16-414-050, 16-414-060, 16-414-070, 16-414-080 and 16-414-090.

that such agency will at 10:00 a.m., Wednesday, March 15, 1978, in the Conference Room, 2015 S. First St., Yakima, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 30, 1978, in the Conference Room, 4th Floor, General Administration Bldg., Olympia.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency orally at 10:00 a.m., Wednesday, March 15, 1978, Conference Room, 2015 S. First St., Yakima, Washington.

Dated: January 30, 1978

By: C. T. Nielsen
Assistant Director

Chapter 16-414
SWEET CHERRIES

NEW SECTION

WAC 16-414-010 WASHINGTON NO. 1 GRADE AND TOLERANCES DEFINED. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: PROVIDED, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

NOTE: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: PROVIDED, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously

damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter.

NEW SECTION

WAC 16-414-020 APPLICATION OF TOLERANCES. Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

NEW SECTION

WAC 16-414-030 DEFINITIONS. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

NEW SECTION

WAC 16-414-040 DAMAGE. "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(1) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(2) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(3) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(4) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(5) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(6) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(7) Russetting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(8) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(9) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(10) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

NEW SECTION

WAC 16-414-050 DIAMETER. "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

NEW SECTION

WAC 16-414-060 SERIOUS DAMAGE. "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Skin breaks which are not well healed;

(4) Cracks which are not well healed; and,

(5) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

NEW SECTION

WAC 16-414-070 PERMANENT DEFECTS. "Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

NEW SECTION

WAC 16-414-080 CONDITION DEFECTS. "Condition defects" means defects which may develop or change during shipment or storage; including but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

NEW SECTION

WAC 16-414-090 MARKING CONTAINERS. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and may be marked with the true variety name of "Sweet Cherries."

WSR 78-02-083

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.17 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning existing prune grade and standard to allow a greater tolerance at destination, WAC 16-445-040.

that such agency will at 1:00 p.m., Wednesday, March 15, 1978, in the Conference Room, 2015 S. First St., Yakima, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 30, 1978, in the Conference Room, 4th Floor, General Administration Bldg., Olympia.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency orally at 1:00 p.m., Wednesday, March 15, 1978, Conference Room, 2015 S. First St., Yakima, Washington.

Dated: January 30, 1978

By: C. T. Nielsen

Assistant Director

AMENDATORY SECTION (Amending Order 1262, filed 5/5/72)

WAC 16-445-040 WASHINGTON NO. 1 GRADE AND TOLERANCES. (1) Defined. Washington No. 1 grade shall consist of prunes of one variety which are well formed (1), mature (2) but not overripe, soft or shriveled, and which are free from decay and sunscald (3), and from damage (4) caused by broken skins (4a), heat injury (4b), growth cracks (4c), sunburn (4d), split pits (4e), hail marks (4f), drought spots (4g), russeting (4h), scars (4i), dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall have two-thirds of the surface with purplish color characteristic of the particular area where grown, and unless otherwise specified, the minimum size of such prunes shall be not less than 1-1/4 inches in diameter (7).

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances are specified:

(a) At shipping point: Not more than a total of ~~((+0))~~ ten percent, by count, of the prunes in any container may not meet the requirements of this grade for defects other than color and size, but not more than ~~((5))~~ five percent by count, may be allowed for defects causing serious damage and not more than ~~((+))~~ one percent may be allowed for decay. In addition, not more than ~~((+0))~~ ten percent, by count, in any container may not meet the color requirements and not more than ~~((+0))~~ ten percent, by count, may not meet the size specifications, but the combined tolerance for all defects shall not exceed ~~((+5))~~ fifteen percent.

(b) At destination or en route: Not more than a total of eighteen percent of the prunes in any container may not meet the requirements of this grade and not more than the following percentages shall be allowed for the defects listed:

(i) Twelve percent for permanent defects including therein not more than ten percent which fail to meet the color requirement, ten percent which fail to meet the minimum diameter requirement and ten percent which fail to meet the requirements of the grade because of other permanent defects;

(ii) Six percent for defects causing serious damage, including therein not more than five percent for serious damage by permanent defects and not more than two percent for decay.

WSR 78-02-084

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the State of Washington College Work/Study Program, amending WAC 250-40-050.

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 8, 1978, in the Clover Park Voc. Tech.

The authority under which these rules are proposed is chapter 177, Laws of 1974 ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 3, 1978.

Dated: January 11, 1978

By: Patrick M. Callan
Executive CoordinatorAMENDATORY SECTION (Amending Order 5-77, filed 5/11/77)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of Employees. Employment of students shall not result in displacement of classified or regular full time positions reduced due to lack of funds or work, during the current or prior fiscal year of calendar period, or impair existing contracts for services.

(2) Rate of Compensation. All Work-Study positions shall receive compensation equal to the entry level salary of comparable positions.

~~((Any salaries for which a lower entry pay scale might be justified must be outlined in an apprenticeship-type agreement struck prior to a student's employment.))~~

(3) Appeals. The Council shall be notified of any violation of the requirements under (1) and (2) above. If satisfactory resolution cannot be made by the Council, the advisory committee authorized by WAC 250-40-070(6) shall review the appeal and make a recommendation to the Council on the disposition of the appeal.

(4) Maximum Total Compensation. Earnings beyond the student's State Work-Study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. However, if necessary to complete a special State Work-Study assignment, or to continue employment to the end of an academic term, the student may be allowed, upon agreement of the financial aid officer, to earn up to \$200 beyond the State Work-Study award without penalty.

(5) State Share of Student Compensation. The state share of compensation paid students employed by state supported institutions of postsecondary education shall not exceed 80 percent of the student's gross compensation. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(6) Employer Share of Student Compensation. The employer shall pay a minimum of 20% or 35% of the student's gross compensation as specified in section 5 above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state Workman's Compensation laws, federal social security laws, and other applicable laws.

(7) Academic Credit for State Work-Study Employment. Students may receive academic credit for experience gained through State Work-Study employment.

(8) Maximum Hours Worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

(9) Types of Work Prohibited. Work performed by a student under the State College Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

WSR 78-02-085

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the State of Washington Student Financial Aid Need Grant Program, amending WAC 250-20-021.

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 8, 1978, in the Clover-Park Vocational Technical Institute.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 3, 1978.

Dated: January 11, 1978

By: Patrick M. Callan
Executive CoordinatorAMENDATORY SECTION (Amending Order 2-77, filed 4/13/77)

WAC 250-20-021 PROGRAM DEFINITIONS. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is "unable to qualify for enrollment" as a full-time student in a postsecondary institution, and who otherwise qualified as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public or private college, university or community college in the State of Washington which is recognized by the Northwest Association of Secondary and Higher Schools; a postsecondary institution shall also mean any state-supported vocational-technical institute in the State of Washington.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011-RCW 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with 206.0 [WAC 250-20-021(6)].

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any persons except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$600 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definition of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than five years shall mean the sum of the assumed parents' contribution, expected student summer savings, contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of expected student summer savings, contribution from student assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student's expected summer savings" shall be an established amount expected of all State Need Grant nominees to be applied toward their educational costs as a result of savings from summer employment. The expectation figure will be established by the Council each year.

(12) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as

defined in 213.0 [WAC 250-20-021(13)] to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(13) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, spouse's academic year income, etc. Funds administered by the institution, Basic Grants, BIA grants, and student employment are to be used as matching funds, and as such are not included as "additional student resources".

(14) "Determined Need" is the difference between the appropriate student budget and the student's total family contribution.

(15) "Academic year" is that nine-month period of time from September to June during which a full time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

WSR 78-02-086
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed Jan. 30, 1978]

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 WAC 308-04-010, requirements for checks in payment of licenses, certificates, etc.—penalty, by deleting former requirement that out-of-state checks are acceptable only if received through the mail. (A copy of said rule is enclosed, but the director reserves the right to adopt any rules consistent with the subject matter herein.)

that such agency will at 10:00 a.m., Monday, March 20, 1978, in the Conference Room 4A, Highways-Licenses Building, 12th & Franklin, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 20, 1978, in the Conference Room 4A, Highways-Licenses Building, 12th & Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 46.01.230 and 46.01.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1978 and/or orally at 10:00 a.m., Monday, March 20, 1978, Conference Room 4A, Highways-Licenses Building, 12th & Franklin, Olympia, WA.

Dated: Jan. 30, 1978
By: R. Y. WOODHOUSE
Director

AMENDATORY SECTION (Order Rule 1, filed 6/29/67)

WAC 308-04-010 REQUIREMENTS FOR CHECKS IN PAYMENT OF LICENSES, CERTIFICATES, ETC.—PENALTY. (1) All checks must be made payable to the state treasurer.

~~((2) Personal checks drawn on out-of-state banks will be acceptable only if received through the mail.))~~

~~((3))~~ (2) Checks must be for the exact amount of the license fee due and the purpose for which the check is intended should be noted on the fact as to whether it is for a motor vehicle license or driver's license.

~~((4))~~ (3) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail

to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter by certified mail advising him or her that the license will be cancelled unless a money order or cashier's check for the amount due is received within fifteen days.

(b) Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be requested to confiscate any driver or vehicle license issued and return the same to the department.

(c) The failure to pay a proration or liquid fuel tax fee after notice of dishonor has been given will result in the action being turned over to the attorney general for collection.

(d) In cases where a dishonored check is given for professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.

((5)) (4) No checks written on foreign banks (outside of the United States) will be accepted and only those foreign postal money orders made payable in U.S. dollars at the Olympia post office will be acceptable for payment of any license fees.

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 78-02-087

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed Jan. 30, 1978]

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 WAC 308-104-045, the issuance of identicards to nondrivers. (A copy of said rule is attached, but the director reserves the right to adopt any rules consistent with the subject matter herein.)

that such agency will at 10:00 a.m., Monday, March 20, 1978, in the Conference Room 4A, Highways-Licenses Bldg., 12th & Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 20, 1978, in the Conference Room 4A, Highways-Licenses Bldg., 12th & Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 46.01.110 and 46.20.119.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1978 and/or orally at 10:00 a.m., Monday, March 20, 1978, Conference Room 4A, Highways-Licenses Bldg., 12th & Franklin, Olympia, WA.

Dated: Jan. 30, 1978

By: R. Y. Woodhouse
Director

AMENDATORY SECTION (Order MV 303, filed 2/13/75)

WAC 308-104-045 IDENTICARDS. The department shall issue identicards containing a picture to non-drivers. Non-drivers shall be defined as any ((resident)) person who has not been issued a driver's license within the last four (4) years immediately preceding: PROVIDED, That the non-driver is currently residing in the state of Washington and has a current Washington address; and PROVIDED, FURTHER, That any individual who has been issued a driver's license within the last four (4) years immediately preceding may qualify as a non-driver by surrendering the the driver's license and privilege to

drive to the department for this express purpose. Any individual who surrenders the driver's license and privilege to drive to the department for the express purpose of qualifying as a non-driver shall forfeit said privilege to drive in this state together with all fees and license examination results.

The department shall not issue a driver's license to any individual holding an identicard unless and until that individual shall surrender said identicard to the department and the individual shall have met all other requirements of Title 46 RCW, as they pertain to an original driver's license applicant: PROVIDED, That the department shall not issue a driver's license to any individual ineligible to be licensed pursuant to RCW 46.20.031 under any circumstances.

WSR 78-02-088

PROPOSED RULES

DEPARTMENT OF

TRANSPORTATION

[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.61.570 (1-12 WAC), that the Department of Transportation intends to adopt, amend, or repeal rules concerning:

AMD: WAC 252-32-002. Parking Restriction - SR 2, Wenatchee Vicinity. Parking is prohibited on both sides of SR 2 from the Wenatchee River Bridge at Mile Post 119.58 to Mile Post 120.68, a distance of 1.10 mile.

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., March 20, 1978 in Room 1D9, Highway Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 46.61.570.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1978.

Dated: January 30, 1978

By: V. W. Korf

Acting Deputy Secretary of Transportation

AMENDATORY SECTION (Amending Order 303, filed 3/23/77)

WAC 252-32-002 STATE ROUTE 2. (1) Sunset Falls Vicinity. Parking is prohibited on the south side of SR 2 from 1.69 miles east of the Burlington Northern Railroad Undercrossing, Mile Post 36.61, to 1.79 miles east of the Burlington Northern Railroad Undercrossing, Mile Post 36.71, a distance of 0.10 mile.

(2) Barclay Creek Vicinity. Parking is prohibited on the north side of SR 2 from 1.12 miles west of the west pavement seat of the Barclay Creek Bridge, Mile Post 38.84, to 1.01 miles west of the west pavement seat of the Barclay Creek Bridge, Mile Post 38.95, a distance of 0.11 mile.

(a) Parking is prohibited on both sides of State Route 2, from 7:00 a.m. to 5:00 p.m. on school days only, for 50 feet on each side of Mile Post 39.73.

(3) Grotto Vicinity. Parking is prohibited on the north side of SR 2 from 0.62 mile east of the east pavement seat of the Bridge No. 2-107, Mile Post 45.05, to 0.71 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.14, a distance of 0.09 mile.

(a) Parking is prohibited on the south side of SR 2 from 0.71 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.14, to 0.79 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.22, a distance of 0.08 mile.

(4) Skykomish Vicinity. Parking is prohibited on the south side of SR 2 from 0.33 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.05, to 0.48 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.22, a distance of 0.17 mile.

(a) Parking is prohibited on the north side of SR 2 from 0.35 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.07, to 0.48 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.22, a distance of 0.15 mile.

(5) **Alpine Chainup Areas.** Parking is prohibited on both sides of SR 2 from 0.11 mile east of the west pavement seat of Bridge No. 2-120, Mile Post 54.11, to 0.44 mile east of the west pavement seat of Bridge No. 2-120, Mile Post 54.44, a distance of 0.33 mile.

(a) Parking is prohibited on both sides of SR 2 from 0.22 mile west of the Tye River Rd., Mile Post 54.79, to 0.15 mile east of the Tye River Rd., Mile Post 55.16, a distance of 0.37 mile.

(6) **Scenic Vicinity.** Fifteen (15) minute parking to be applied only when road and/or weather conditions warrant, from Mile Post 57.76 to Mile Post 57.86, a distance of 0.10 mile.

(7) **Stevens Pass Summit and Vicinity.** Parking is prohibited on the following sections of SR 2 as weather and/or road conditions warrant.

(a) On both sides from 0.52 mile west of the King-Chelan County Line, Mile Post 64.11, to 0.02 mile west of the Chelan-King County Line, Mile Post 64.61, a distance of 0.50 mile.

(b) On both sides from 0.19 mile east of the King-Chelan County Line, Mile Post 64.82, to 0.44 mile east of the King-Chelan County Line, Mile Post 65.07, a distance of 0.25 mile.

(c) On the westbound shoulder from 1.40 miles east of the King-Chelan County Line, Mile Post 66.03, to 1.90 miles east of the King-Chelan County Line, Mile Post 66.53, a distance of 0.50 mile.

(d) On the eastbound shoulder from 6:00 p.m. to 7:00 p.m., from 1.40 miles east of the King-Chelan County Line, Mile Post 66.03, to 1.90 miles east of the King-Chelan County Line, Mile Post 66.53, a distance of 0.50 mile.

(8) **Stevens Pass Vicinity.** Parking is prohibited for that portion of the Upper Mill Creek Road, between the east and westbound lanes, starting at Mile Post 70.33 and extending to the east for 0.17 mile.

(9) **Dryden to Cashmere.** Parking is prohibited on the north side of SR 2 from Mile Post 110.48, easterly for a distance of 1,100 feet to Mile Post 110.69, a distance of 0.21 mile.

(10) **Wenatchee Vicinity.** Parking is prohibited on the east and west sides of SR 2 from approximately 490 feet north of Maple Street, Mile Post ~~(+19.58)~~ 120.68, northerly to the south pavement seat of the Wenatchee River Bridge, No. 2/402S, Mile Post ~~(+20.68)~~ 119.58, a distance of 1.10 miles.

(11) **West Spokane Vicinity.** Parking is prohibited on the south side of State Route 2 from Spotted Road, Mile Post 281.22, westerly for 1,000 feet to Mile Post 281.03.

(12) **Vicinity Junction State Route 206.** No parking any time from a point 0.10 mile south of Junction State Route 206 at Mile Post 297.15, to a point 0.03 mile north of Junction Walter Avenue, at Mile Post 297.65, a distance of 0.50 mile on both east and west sides of the road.

WSR 78-02-089
PROPOSED RULES
OLYMPIC COLLEGE
[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.070 that the Olympic College intends to adopt, amend, or repeal rules concerning:

WAC 132C-104-060 REGULAR MEETINGS OF THE BOARD OF TRUSTEES

WAC 132C-104-070 LEGISLATIVE MATTERS OF THE BOARD OF TRUSTEES.

that such institution will at 8:00 p.m., Tuesday, March 28, 1978, in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 p.m., Tuesday, March 28, 1978, in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington.

The authority under which these rules are proposed is Olympic College Board of Trustees and RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 28, 1978, and/or orally at 8:00 p.m., Tuesday, March 28, 1978, Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington.

Dated: January 26, 1978

By: Bruce H. Leslie
Administrative Assistant

Chapter 132C-104 WAC
BYLAWS AND STANDING ORDERS OF GOVERNING
BOARDS

NEW SECTION

WAC 132C-104-060 REGULAR MEETINGS One regular meeting of the Board of Trustees shall be held each month. This meeting shall be held on the fourth Tuesday of each month and begin at 8:00 p.m., in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington, or at such other time and place as the Board may direct from time to time and as published in the State Register. The location of each meeting is available in the office of the President, Olympic College, 16th and Chester Streets, Bremerton, Washington.

NEW SECTION

WAC 132C-104-070 LEGISLATIVE MATTERS The Board may from time to time designate persons to represent the Board and the College in matters requiring action by the Legislature or officers of the State of Washington.

WSR 78-02-090
PROPOSED RULES
OLYMPIC COLLEGE
[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and RCW 42.30.080, that the Olympic College intends to adopt, amend, or repeal rules concerning:

Repeal: (1) WAC 132C-104-005 NAME, COMPOSITIONS & POWERS

(2) WAC 132C-104-010 THE BOARD OF TRUSTEES

(3) WAC 132C-104-015 SPECIAL PROVISIONS

(4) WAC 132C-104-020 OFFICERS OF THE BOARD

(5) WAC 132C-104-025 POWERS & DUTIES OF OFFICERS

(6) WAC 132C-104-030 COMMITTEES

(7) WAC 132C-104-035 MEETINGS

(8) WAC 132C-104-045 MEETINGS, PROCEDURES

(9) WAC 132C-104-050 PROCEDURES

(10) WAC 132C-104-055 GIFTS

that such institution will at 8:00 p.m., Tuesday, March 28, 1978, in the Art Lecture Room A-103, Olympic College Campus, 16th and Chester, Bremerton, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 p.m., Tuesday, March 28, 1978, in the Art Lecture Room A-103, Olympic College Campus, 16th and Chester, Bremerton, Washington.

The authority under which these rules are proposed is Olympic College Board of Trustees and RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 28, 1978, and/or orally at 8:00 p.m., Tuesday, March 28, 1978, Art Lecture Room A-103, Olympic College, 16th and Chester, Bremerton, Washington.

Dated: January 25, 1978

By: Bruce H. Leslie
Administrative Assistant

REPEALER

The following sections of the Washington Administrative Code are hereby repealed.

- (1) WAC 132C-104-005 NAME, COMPOSITIONS, AND POWERS OF THE BOARD OF TRUSTEES
- (2) WAC 132C-104-010 THE BOARD OF TRUSTEES
- (3) WAC 132C-104-015 SPECIAL PROVISIONS RELATING TO THE BOARD OF TRUSTEES
- (4) WAC 132C-104-020 OFFICERS OF THE BOARD
- (5) WAC 132C-104-025 POWERS AND DUTIES OF OFFICERS
- (6) WAC 132C-104-030 COMMITTEES
- (7) WAC 132C-104-035 MEETINGS
- (8) WAC 132C-104-045 MEETING PROCEDURES
- (9) WAC 132C-104-050 PROCEDURES
- (10) WAC 132C-104-055 GIFTS

WSR 78-02-091

ADOPTED RULES

STATE COMMISSION ON EQUIPMENT

[Order 7607A—Filed Jan. 30, 1978]

Be it resolved by the State Commission on Equipment, acting at General Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to chapter 204-24 WAC - Traction Devices.

This action is taken pursuant to Notice No. 7938 filed with the code reviser on 12/21/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.005 and 46.37.420 which directs that the State Commission on Equipment has authority to implement the provisions of RCW 46.37.420.

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

APPROVED AND ADOPTED: January 25, 1978.

By R.W. Landon
Chairman, State Commission on Equipment

Chapter 204-24 WAC
TRACTION DEVICES

WAC
204-24-050
204-24-070

AMENDATORY SECTION (Amending Order 7487, filed 4/4/77)

WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. When traffic control signs marked "Chains or Other Approved Traction Devices Are Required" are posted by the ((Highway)) Transportation Commission, it shall be unlawful for any vehicle not to have tire chains or approved traction devices mounted on the drive wheels of a vehicle, except the use of special tires or approved traction devices other than tire chains by vehicles over 10,000 pounds gross vehicle weight shall not be permitted. These vehicles must use tire chains as set forth. On any vehicle dual tire drive wheels, individual metal chains of hardened metal may be used on the outside drive wheels, provided a minimum of four such chains equally spaced are used on each such wheel. All-wheel drive vehicles with a gross vehicle weight of 8,000 pounds or less, in gear, equipped with approved traction devices on all wheels, may be exempt from using chains when traffic control signs marked "Chains Required" are posted. **PROVIDED:** That tire chains for a least one set of drive wheels are carried upon such vehicle. Where traffic control signs are posted marked "Chains Required", the use of special tires or approved traction devices may not be substituted for tire chains on single drive vehicles. The Washington State ((Highway)) Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain control area when it is determined that the vehicle will experience difficulty in safely travelling the area.

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 7675, filed 7/25/77)

WAC 204-24-070 APPROVAL OF TIRE CHAINS OR TRACTION DEVICES. Any tire chain, ((or)) wheel chains, ((or)) studded tires, or other traction devices meeting the standards in WAC 204-24-020, ((and)) WAC 204-24-030, and WAC 204-24-040 shall be considered as an approved type chain, ((or traction device)) studded tire, or other traction device by the State Commission on Equipment.

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 78-02-092
EMERGENCY RULES
COMMISSION ON EQUIPMENT
[Order 7740—Filed Jan. 30, 1978]

Be it resolved by the State Commission on Equipment, acting at General Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to chapter 204-64 WAC - Quartz Halogen Headlamps.

We, State Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

The legislature has mandated the Commission on Equipment to adopt standards for quartz halogen headlamps and to remove any state imposed limitation on their use. Recently unresolved questions about the legal impact of such action has delayed fulfilling this mandate while numerous citizens of this state believing the use of these headlamps to be permissible, have installed them on their vehicles. Therefore it is necessary to approve the use of quartz halogen headlamps as a matter of state regulation as soon as possible to avoid leaving such citizens in jeopardy of unnecessary and undesirable traffic offender action by state and local authorities.

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

This rule is promulgated pursuant to RCW 46.37.005 and 46.37.320 which directs that the State Commission on Equipment has authority to implement the provisions of RCW 46.37.320.

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

APPROVED AND ADOPTED January 25, 1978.

By R. W. Landon
Chairman, State Commission on Equipment

Chapter 204-64 WAC
QUARTZ HALOGEN HEADLAMPS

- WAC
204-64-010
204-64-020
204-64-040
204-64-060
204-64-080
204-64-100
204-64-120

NEW SECTION

WAC 204-64-010 PURPOSE. By authority of R.C.W. 46.37.005 and 46.37.320, the Commission on

Equipment hereby adopts the following regulation pertaining to the approval, installation, adjustment, and aiming of quartz halogen headlamps.

NEW SECTION

WAC 204-64-020 DEFINITION. Quartz halogen headlamps are those that meet the standards established by the United Nations' Agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts agreed upon at Geneva on March 20, 1958, as amended and adopted by the Canadian Standards Association (CSA Standard D106.2).

NEW SECTION

WAC 204-64-040 APPROVAL PROCEDURE. Manufacturers of quartz halogen headlamps shall be issued a Commission on Equipment certificate of approval for sale of their lighting device in this State when such manufacturer submits proper certification that his device conforms with Canadian Standards Association (CSA Standard D106.2). All applications shall include a copy of the CSA approval and shall be submitted to the Commission on Equipment for approval. The address is Secretary, Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504.

NEW SECTION

WAC 204-64-060 APPLICATION FOR CERTIFICATE OF APPROVAL. The application for the certificate of approval for quartz halogen headlamps shall include the following information as shown in the sample:

Date:

Secretary
Commission on Equipment
General Administration Building AX-12
Olympia, Washington 98504

The attached CSA Approval, Filed No. dated certifies that the following headlamp complies with the United Nations Geneva Agreement in 1958 for "Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts" and Canadian Standards Association Standard No. D106.2 "Vehicle Headlight Conforming to ECE Regulations", in accordance with RCW 46.37.320.

Manufacturer:
U. S. Designation:
Canadian Designation:
Manufacturer's Designation:
ECE Approval Markings on Front Lens: ..
.....
.....
Sealed Beam Replacement Size:
Standard Vehicle Equipment on
.....

Manufacturer's Representative in the State of Washington:

Applicant:

NEW SECTION

WAC 204-64-080 INSTALLATION, AIMING, AND ADJUSTMENT. Prior to approval for sale and use of quartz halogen headlamps, manufacturers shall submit for approval to the Commission on Equipment a copy of an instructional guide, pamphlet, brochure, or other written information which will be provided to the consumer by the manufacturer. The instructional guide shall describe in easily readable text, diagrams, or pictures the proper procedures for the installation, aiming, and adjustment of quartz halogen headlights. The manufacturer shall provide the approved instructional guide at no charge in each individual package of quartz halogen headlamps. Headlamps shall comply with the requirements, limitations, and shall be installed and maintained in accordance with Chapter 46.37, RCW, and on all equipment in WAC 204-60, Standards and Specifications for Additional Lamps and Flags for Use on Snow Removal and Highway Maintenance Equipment.

NEW SECTION

WAC 204-64-100 APPLICATION OF THESE REGULATIONS. These regulations are intended to apply only to Washington State Headlamp Standards. These regulations do not in any way affect existing laws, regulations, or standards pertaining to other headlight standards of other state or federal jurisdictions.

NEW SECTION

WAC 204-64-120 EFFECTIVE DATE. This regulation (WAC 204-64-010 through 204-64-120) shall have an effective date of January 27, 1978, and thereafter all quartz halogen headlamps to be legal for sale and use in the State of Washington shall comply with the provisions of this regulation.

WSR 78-02-093
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed Jan. 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the State Commission on Equipment intends to adopt, amend, or repeal rules concerning chapter 204-64 WAC - Quartz Halogen Headlamps relating to their approval, installation, aiming, and adjustments for use on public highways in Washington State.

that such agency will at 1:30 p.m., Friday, March 17, 1978, in the large conference room, first floor, General Administration Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, March 17, 1978, in the large conference room, first floor, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1978 and/or orally at 1:30 p.m., Friday, March 17, 1978, large conference room, first floor, General Administration Building, Olympia.

Dated: January 30, 1978

By: M. J. Obert

Secretary, Commission on Equipment

Chapter 204-64 WAC
QUARTZ HALOGEN HEADLAMPS

WAC

- 204-64-010
204-64-020
204-64-040
204-64-060
204-64-080
204-64-100
204-64-120

NEW SECTION

WAC 204-64-010 PURPOSE. By authority of R.C.W. 46.37.005 and 46.37.320, the Commission on Equipment hereby adopts the following regulation pertaining to the approval, installation, adjustment, and aiming of quartz halogen headlamps.

NEW SECTION

WAC 204-64-020 DEFINITION. Quartz halogen headlamps are those that meet the standards established by the United Nations' Agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts agreed upon at Geneva on March 20, 1958, as amended and adopted by the Canadian Standards Association (CSA Standard D106.2).

NEW SECTION

WAC 204-64-040 APPROVAL PROCEDURE. Manufacturers of quartz halogen headlamps shall be issued a Commission on Equipment certificate of approval for sale of their lighting device in this State when such manufacturer submits proper certification that his device conforms with Canadian Standards Association (CSA Standard D106.2). All applications shall include a copy of the CSA approval and shall be submitted to the Commission on Equipment for approval. The address is Secretary, Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504.

NEW SECTION

WAC 204-64-060 APPLICATION FOR CERTIFICATE OF APPROVAL. The application for the certificate of approval for quartz halogen headlamps shall include the following information as shown in the sample:

Date:

Secretary
Commission on Equipment
General Administration Building AX-12
Olympia, Washington 98504

The attached CSA Approval, Filed No. dated certifies that the following headlamp complies with the United Nations Geneva Agreement in 1958 for "Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts" and Canadian Standards Association Standard No. D106.2 "Vehicle Headlight Conforming to ECE Regulations", in accordance with RCW 46.37.320.

Manufacturer: -----
 U. S. Designation: -----
 Canadian Designation: -----
 Manufacturer's Designation: -----
 ECE Approval Markings on Front Lens: -----

 Sealed Beam Replacement Size: -----
 Standard Vehicle Equipment on: -----
 Manufacturer's Representative in the State of
 Washington: -----

 Applicant: -----

This action is taken pursuant to Notice No. 7956 filed with the code reviser on Dec. 29, 1977. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED January 30, 1978.
 By Douglas E. Sayan
 Director

NEW SECTION

WAC 204-64-080 INSTALLATION, AIMING, AND ADJUSTMENT. Prior to approval for sale and use of quartz halogen headlamps, manufacturers shall submit for approval to the Commission on Equipment a copy of an instructional guide, pamphlet, brochure, or other written information which will be provided to the consumer by the manufacturer. The instructional guide shall describe in easily readable text, diagrams, or pictures the proper procedures for the installation, aiming, and adjustment of quartz halogen headlights. The manufacturer shall provide the approved instructional guide at no charge in each individual package of quartz halogen headlamps. Headlamps shall comply with the requirements, limitations, and shall be installed and maintained in accordance with Chapter 46.37, RCW, and on all equipment in WAC 204-60, Standards and Specifications for Additional Lamps and Flags for Use on Snow Removal and High-way Maintenance Equipment.

NEW SECTION

WAC 204-64-100 APPLICATION OF THESE REGULATIONS. These regulations are intended to apply only to Washington State Headlamp Standards. These regulations do not in any way affect existing laws, regulations, or standards pertaining to other headlight standards of other state or federal jurisdictions.

NEW SECTION

WAC 204-64-120 EFFECTIVE DATE. This regulation (WAC 204-64-010 through 204-64-120) shall have an effective date of January 27, 1978, and thereafter all quartz halogen headlamps to be legal for sale and use in the State of Washington shall comply with the provisions of this regulation.

WSR 78-02-094
ADOPTED RULES
HIGHER EDUCATION PERSONNEL BOARD
 [Order 65—Filed Jan. 30, 1978]

Be it resolved by the Higher Education Personnel Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

- AMD WAC 251-18-070 APPLICATION FORMS
- AMD WAC 251-18-110 APPLICATION—DISQUALIFICATION—REJECTION
- AMD WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW
- AMD WAC 251-18-140 EXAMINATION RESULTS—NOTIFICATION
- AMD WAC 251-18-181 ELIGIBLE LISTS—COMBINED
- AMD WAC 251-18-230 CERTIFICATION—REQUEST FOR
- AMD WAC 251-18-240 CERTIFICATION—METHOD
- AMD WAC 251-18-330 TRIAL SERVICE APPOINTMENT
- AMD WAC 251-18-340 APPOINTMENT—PERMANENT STATUS

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-070 APPLICATION FORMS. Applications for employment shall be filed on forms prescribed by the personnel officer. Any question in any application form or examination shall be in compliance with applicable state and/or federal law.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-110 APPLICATION—DISQUALIFICATION—REJECTION. The personnel officer may reject an application or an applicant for good and sufficient reason. Whenever the personnel officer rejects an application or an applicant under the provisions of these rules, he/she shall furnish a written statement of the specific reasons therefor and advise the applicant of the right of appeal per WAC 251-18-115, except in those instances in which ((the applicant)) he/she was present at the time of notification of rejection or disqualification.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW.

(1) An applicant shall have ((rights of)) the right to appeal ((or review)) to the higher education personnel board as provided in ((subsections (2) and (3))) subsection (2) below when:

- (a) His/her application has been rejected; or
- (b) He/she feels the examination process or grade unfair, in error, or not applied uniformly; or
- (c) His/her name has been removed from ((the)) an eligible list.

(2) ((An applicant who is a classified employee of the institution may appeal to the board. The)) Such appeal ((shall)) must be in writing and ((shall)) be filed in the office of the director within thirty calendar days after the effective date of the action appealed. ((The provisions of WAC 251-12-090 through 251-12-240 shall apply to this section.

(3) An applicant who is not a classified employee of the institution may request a review by the director.

~~Such request for review shall be in writing and shall be filed in the office of the director within thirty calendar days after the effective date of the action contested. Within thirty calendar days after the date of receipt of such request for review or as soon thereafter as possible, the director shall investigate the complaint and issue an order, which shall be final and binding.)) The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:~~

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(b) The director may investigate the case and based upon that investigation issue a determination.

(i) When the appellant is a classified employee of the institution, within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety.

(ii) When the appellant is not a classified employee of the institution, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-140 EXAMINATION RESULTS—NOTIFICATION. (1) The personnel officer will notify in writing each applicant competing in an examination of his/her score or failure to obtain a passing score and in addition his/her appeal rights per the provisions of WAC 251-18-115 within ten working days after scoring the examination. Any applicant or authorized representative may request in writing that the personnel officer review the examination rating and/or score within fifteen calendar days after notification of the score. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the eligible list. A correction so made shall not invalidate any appointment previously made from the list.

(2) The personnel officer will notify the candidate of the date of placement on the eligible list and the date of expiration.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-181 ELIGIBLE LISTS—COMBINED. For positions in classes which meet the HEPB definitions of administrative, executive, or professional employees, the personnel officer may combine into a single list all the eligible lists provided in WAC 251-18-

180, except the institution-wide layoff list. Such combined list shall be established by class and shall contain the names of all candidates who have successfully completed the examination for the class. Ranking of eligibles shall be in the order of their final earned rating on the examination as indicated below:

(1) Permanent employees of the institution shall have added to their passing score a five percent permanent employee preference bonus.

(2) All other candidates on the combined eligible list shall be placed on the list with their passing score.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-230 CERTIFICATION—REQUEST FOR. When a vacancy in the classified service is to be filled, the employing official shall submit a personnel requisition to the personnel officer. If the position meets the HEPB definitions of administrative, executive or professional employees and the employing official wishes to request that the personnel officer consider utilizing a combined eligible list, or if special or outstanding qualifications are desirable for the position under consideration, these requests shall be noted on the requisition.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) In the case of certification made from an institution-wide layoff list, the personnel officer shall certify the eligible with the greatest layoff seniority. If there are no eligibles on the institution-wide layoff list for the class, the personnel officer shall certify to the employing official two more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s); except that if there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, the certification will be limited to the senior eligible on the list.

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Institution-wide Layoff List
- (b) Organizational Unit Promotion List
- (c) Institution-wide Promotion List
- (d) Special Employment Program Layoff List
- (e) State-wide Layoff List
- (f) Open Competitive or Noncompetitive List.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are no eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of two more names than there are vacancies to be filled by the certification, even if the lists contain persons from the special employment program layoff list.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

OK **WAC 251-18-330 TRIAL SERVICE PERIOD.**

(1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class, unless

- (a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or
- (b) the class is lower in that same class series, or
- (c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or
- (d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service is not appealable to the Board when prior to the reversion the employee was provided written notice detailing the deficiencies in performance and specific changes required, and was given an opportunity to overcome the deficiencies. Such opportunity is not required when the employee lacks a technical skill that would require more training time to acquire than is available in the trial service period.

(4) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

(5) Successful completion of the trial service period shall result in permanent status in the class.

(6) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

OK **AMENDATORY SECTION** (Amending Order 64, filed 12/23/77)

WAC 251-18-340 APPOINTMENT—PERMANENT STATUS. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a six month probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has ~~((had))~~ held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

WSR 78-02-095

NOTICE OF PUBLIC MEETINGS

SHORELINES HEARINGS BOARD

[Memo, Clerk of Shorelines Hearings Board, 1/30/78]

The next regular meeting of the Shorelines Hearings Board scheduled for Wednesday, February 22, 1978, will commence at 9:30 a.m. instead of the regular time of 10:00 a.m. in the Board's office at Number One South Sound Center, Lacey, Washington.

WSR 78-02-096

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed Jan. 31, 1978]

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 388-28-430 relating to

effect of resources and income on financial need—
Personal property exemptions—Ceiling values;

that such agency will at 10:00 a.m., Wednesday, March 8, 1978, in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 15, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 8, 1978 and/or orally at 10:00 a.m., Wednesday, March 8, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: January 30, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, which is used by the applicant to reduce his need for assistance or to rehabilitate himself, and which produces an appreciable return in cash or kind, but which is not a fully competitive enterprise and does not require hiring help can be declared an exempt resource by the ESSO on the basis of an agreed plan.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, cash surrender value of life insurance, and equity in cars shall not exceed \$750 for a single person, or \$1,450 for a family of two. This maximum shall be increased by \$50 for each additional member in the family.

Family Size	Total Cash, Marketable Securities, Cash Surrender Value of Life Insurance, Cars	Cash and Marketable Securities
1	\$ 750	\$ 200
2	1450	400

Family Size	Total Cash, Marketable Securities, Cash Surrender Value of Life Insurance, Cars	Cash and Marketable Securities
3	1500	425
4	1550	450
5	1600	475
6	1650	500
7	1700	525
8	1750	550
9	1800	575
10	1850	600

(i) Funds represented by values within the ceiling values are not used to determine financial need and to compute grants.

(ii) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(b) Cash and marketable securities—ceiling. Within the above limitation the value of cash and marketable securities shall not exceed \$200 for a single person or \$400 for a family of two. This maximum shall be increased by \$25 for each additional member of the family over two.

(i) Cash. All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

((A)) (ii) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from resources exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

((B) An applicant may give "power of attorney" to another person to make withdrawals from a savings account for the requirements of the applicant. Such arrangement shall not be construed as constituting the transfer of a resource or deemed a joint account.))

(c) Real estate or chattel mortgages and sales contracts

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(d) Life insurance.

(i) Cash surrender ceiling value. Life insurance may have a cash surrender value considered as an exempt resource in combination with the value of other exempt personal property within the limitation allowed in subsection (2).

(ii) Other considerations.

(A) Net value of unassignable policy. When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(B) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

((C)) (C) Funeral insurance and prepaid funeral contracts are governed by the same rules as life insurance policies. The contract may include (but is not limited to) a method of prepaying funeral and burial expenses. In addition, the contract usually provides cash surrender and loan values, extended term insurance (nonforfeiture provisions), and assignability. The cash surrender or loan value of such contract shall be treated as life insurance.

(I) An assigned funeral contract shall be treated according to (ii)(B) above. However, the designation of a funeral director as beneficiary under either the "funeral benefits" or the "additional benefit agreement" sections of the policy, or both, is not an assignment of the contract.

(e) Used and useful automobiles.

(i) Used and useful automobiles are an exempt personal property resource in combination with the value of other exempt within the limitation allowed in subsection (2).

(ii) Equity value shall be used in determining the resource in automobiles.

(iii) (A) In determining the resource value of automobiles, the National Automobile Dealers Association Official Used Car Guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(B) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(C) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(D) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

WSR 78-02-097
PROPOSED RULES
DEPARTMENT OF LICENSING
(Transportation Commission)
[Filed Jan. 31, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.60.325, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of

a new Schedule of Tolls for the Washington State Ferry System and the repealing of the existing Schedule of Tolls as last amended by Order 11, Resolution 379, 380, filed 6/28/77;

that such agency will at 2:00 p.m., Tuesday, March 21, 1978, in the Highway Administration Building, Room 1D2, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, March 21, 1978, in the Highway Administration Building, Room 1D2, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.56.033 and 47.60.325.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 21, 1978 and/or orally at 2:00 p.m., Tuesday, March 21, 1978, Room 1D2, Highway Administration Building, Olympia, Washington.

Dated: January 31, 1978
By: Lue Clarkson
Administrative Secretary

Chapter 468-300 WAC
FERRIES AND TOLL BRIDGES—TOLL SCHEDULES

WAC	
468-300-010	Ferry Passenger Tolls
468-300-020	Auto, motorcycle and bicycle ferry tolls
468-300-030	Oversized vehicle, stage and bus, newspaper and express shipment ferry tolls
468-300-040	Truck ferry tolls
468-300-050	Trailer ferry tolls
468-300-060	Round trip party ferry tolls

NEW SECTION

WAC 468-300-010 FERRY PASSENGER TOLLS

ROUTES	Full Fare One Way	Half Fare** One Way	Commutation 20 Rides	School Commutation**** 20 Rides Ages		Excursion Round Trip*** Full Fare Half Fare	
				12-20	5-11		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	.90	.45	10.00	9.00	4.50	1.30	.65
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	*1.20	.60	7.20	6.00	3.00	N/A	N/A
Mukilteo-Columbia Beach	.60	.30	7.20	6.00	3.00	.80	.40
Anacortes to Lopez	1.05	.55	12.60	10.50	5.25	N/A	N/A
Shaw or Orcas	1.25	.65	15.00	12.50	6.25	N/A	N/A
Friday Harbor	1.40	.70	16.80	14.00	7.00	4.35	2.20
Sidney	3.80	1.90	N/A	N/A	N/A		
Friday Harbor to Lopez, Shaw or Orcas	.90	.45	10.80	9.00	4.50	N/A	N/A
Between Lopez, Shaw or Orcas	.60	.30	7.20	6.00	3.00	N/A	N/A
Sidney to Lopez	2.70	1.35	} N/A	N/A	N/A	N/A	N/A
Shaw or Orcas	2.55	1.30					
Friday Harbor	2.40	1.20					

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

****Half-Fare**

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. NOTE: Half-fare privilege does not include vehicle.

Children - Children under five (5) years of age will be carried free when accompanied by parent or guardian. Children five (5) through eleven (11) years of age will be charged half-fare. Children twelve (12) years of age will be charged full fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. NOTE: Half-fare privilege does not include vehicle.

***One-day excursion for walk-on passengers with limited time ashore. Special stay-aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

****School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one (21) years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

NEW SECTION

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

ROUTES	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER		BICYCLE & RIDER		
	One Way	Commutation 20 Rides	One Way	Commutation 20 Rides	Full Fare One Way	Half-Fare One Way	Commutation 20 Rides
Fauntleroy-Southworth } Seattle-Bremerton } Seattle-Winslow } Edmonds-Kingston } Pt. Townsend-Keystone }	3.10	49.60	1.65	21.75	1.30	.85	13.05
Fauntleroy-Vashon } Southworth-Vashon } Pt. Defiance-Tahlequah }	4.10	32.80	2.15	14.50	1.75	1.15	8.70
Mukilteo-Columbia Beach-----	2.05	32.80	1.10	14.50	.85	.60	8.70
Anacortes to Lopez-----	3.40	10 Rides 27.20	2.00	26.10	1.50	1.00	15.20
Shaw or Orcas-----	3.80	30.40	2.30	30.45	1.75	1.15	17.40
Friday Harbor-----	4.35	34.80	2.60	34.80	1.95	1.25	19.55
Sidney-----	16.30	N/A	8.15	N/A	5.35	3.80	N/A
Friday Harbor to Lopez, Shaw or Orcas---	2.70	21.60	1.65	21.75	1.30	.85	13.05
Between Lopez, Shaw or Orcas-	1.85	14.80	1.10	14.50	.85	.60	8.70
Sidney to Lopez-----	12.95	} N/A	6.20	} N/A	3.80	2.45	} N/A
Shaw or Orcas-----	12.50		5.85		3.60	2.35	
Friday Harbor-----	11.95		5.55		3.35	2.15	

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

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Buses). A charge of \$25.00 will be assessed for an emergency trip during non-operating hours at locations where a crew is on duty.

Vanpools - A commuter vanpool which carries nine or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of ten cents (10c) per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet (20'). A fraction of a foot of overhang in excess of six inches (6") will be counted as one foot (1') in assessment of charge for overhang.

NEW SECTION

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

ROUTES	OVERSIZED VEHICLES**		STAGES AND BUSES INCL. DRIVER***		BULK NEWSPAPERS Per 100 Lbs.	EXPRESS SHIPMENTS Per 100 Lbs.	
	One Way	Commutation 20 Rides	One Way	Each **** Passenger			
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	4.90	78.40	6.80	.50	(1) \$1.30 Per 100 Pounds (Shipments exceed- ing 60,000 lbs. in any month shall be assessed .60 per 100 lbs.)	(2) \$9.80 Per 100 Lbs. (Shipments exceeding 100 lbs. assessed \$2.45 for each 25 lbs. or fraction thereof.)	
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	6.50	52.00	8.70	.60			
Mukilteo-Columbia Beach	3.25	52.00	4.35	.35			
Anacortes to Lopez Shaw or Orcas Friday Harbor Sidney	6.80	10 Rides 54.40	9.25	.55 .65 .70 1.90			
Friday Harbor to Lopez, Shaw or Orcas	4.90	39.20	6.80	.50			
Between Lopez, Shaw or Orcas-	3.25	26.00	4.35	.35			
Sidney to Lopez Shaw or Orcas Friday Harbor	15.50	N/A	21.20	1.35 1.30 1.20			
							} Inter-Island express shipments will be handled @ \$1.30 per 100 lbs.

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

**Includes Motor Homes, and Mobile Campers that exceed eight (8) feet in height.
Excludes trucks licensed over 8,000 lbs., passenger busses and stages.

***Stages - Option of paying Auto-driver rate plus full fare for each passenger.
- A public transportation operator providing regularly scheduled weekday service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.
- For vanpool fares, see Page 2 under Auto.

****Half-fare.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

- (1) Daily newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (2) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

NEW SECTION

WAC 468-300-040 TRUCK FERRY TOLLS

ROUTES	TRUCK , INCL . DRIVER								
	8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000 *	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,000 Per 1,000 Lbs.
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	4.90	6.80	8.70	10.60	13.05	17.10	21.20	25.25	.50
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	6.50	8.70	10.85	13.05	16.30	21.75	27.20	32.60	.60
Mukilteo-Columbia Beach	3.25	4.35	5.45	6.50	8.15	10.85	13.60	16.30	.35
**Anacortes to Lopez Shaw or Orcas Friday Harbor Sidney	6.80 22.30	9.25 30.45	11.70 38.60	14.15 46.75	17.40 56.50	22.85 75.00	28.25 93.50	33.70 111.95	.65 2.05
**Friday Harbor to Lopez, Shaw or Orcas	4.90	6.80	8.70	10.60	13.05	17.10	21.20	25.25	.50
**Between Lopez, Shaw or Orcas-	3.25	4.35	5.45	6.50	8.15	10.85	13.60	16.30	.35
**Sidney to Lopez Shaw or Orcas Friday Harbor	15.50	21.20	27.20	32.60	39.15	52.20	65.20	78.25	1.40

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

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.00 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8' in overall height. (see Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 to 23, inclusive, one-way unit crossings within any consecutive six (6) day period-----25%
 24 or more one-way unit crossings with any consecutive six (6) day period-----33-1/3%
 Semi-trucks are considered two truck units.

NEW SECTION

WAC 468-300-050 TRAILER FERRY TOLLS

ROUTES	T R A I L E R					
	Under 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	1.65	3.10	4.90	10.60	17.10	21.20
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	* 2.20	4.10	6.50	13.05	21.75	27.20
Mukilteo-Columbia Beach	1.10	2.05	3.25	6.50	10.85	13.60
Anacortes to Lopez	1.95	3.25	} 6.80	14.15	22.85	28.25
Shaw or Orcas	2.30	3.80				
Friday Harbor	2.60	4.35				
Sidney	8.15	16.30				
Friday Harbor to Lopez, Shaw or Orcas	1.65	2.70	4.90	10.60	17.10	21.20
Between Lopez, Shaw or Orcas	1.10	1.85	3.25	6.50	10.85	13.60
Sidney to Lopez	6.20	12.95	} 15.50	32.60	52.20	65.20
Shaw or Orcas	5.85	12.50				
Friday Harbor	5.55	11.95				

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

NEW SECTION

WAC 468-300-060 ROUND TRIP PARTY FERRY TOLLS

ROUTES	R O U N D T R I P P A R T Y							
	10 - 24 Persons		25 - 49 Persons		50 - 74 Persons		75 or More Persons	
	Adults	Students	Adults	Students	Adults	Students	Adults	Students
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	1.70	.85	1.60	.80	1.50	.75	1.40	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	1.10	.55	1.05	.55	1.00	.50	.90	.50
Mukilteo-Columbia Beach	1.10	.55	1.05	.55	1.00	.50	.90	.50
Anacortes to Lopez	1.95	1.00	1.85	.90	1.75	.85	1.65	.80
Shaw or Orcas	2.30	1.15	2.10	1.10	2.00	1.05	1.90	1.00
Friday Harbor	2.55	1.30	2.45	1.25	2.30	1.15	2.10	1.10
Sidney	6.85	3.40	6.45	3.25	6.10	3.05	5.70	2.90
Friday Harbor to Lopez, Shaw or Orcas	1.70	.85	1.60	.80	1.50	.75	1.40	.70
Between Lopez, Shaw or Orcas	1.10	.55	1.05	.55	1.00	.50	.90	.50
Sidney to Lopez	4.90	2.45	4.60	2.35	4.35	2.15	4.10	2.05
Shaw or Orcas	4.55	2.30	4.35	2.15	4.10	2.05	3.85	1.95
Friday Harbor	4.30	2.15	4.10	2.05	3.80	1.90	3.60	1.80

SPECIAL SCHOOL RATE -

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicle load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and driver toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1 and September 1 due to limited space.

REPEALER

The existing Schedule of Tolls, as last amended by Order 11, Resolution 379 and 380, filed 6/28/77 (uncodified) is repealed in its entirety.

Codified: LHB
EM

WSR 78-02-098
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 77-31—Filed Jan. 31, 1978]

I, Byron Swigart, Deputy director of Department of Labor and Industries, do promulgate and adopt at the Office of the Director, Olympia, Washington the annexed rules relating to new sections, amended sections and repealed sections of chapter 296-46 WAC, Rules and Regulations for Installing Electric Wires and Equipment and Administrative Rules; and adopting the 1978 Edition of the National Electrical Code.

This action is taken pursuant to Notice No. 7895 filed with the code reviser on 11-28-77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.28.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 28, 1977.

By Byron Swigart
Deputy Director

AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

§ 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 ((1975)) 1978 edition, National Electrical Code, is hereby adopted by reference as part of these Rules and Regulations. The Rules and Regulations are adopted for the safety of the public and are to be used in connection with the ((1975)) 1978 edition of the National Electrical Code. Other codes, manuals and reference works referred to in this code will be available for inspection and review in the office of the Electrical Inspection Section of the Division of Building and Construction Safety Inspection Services, Olympia, during business hours. Where there is any conflict between the Rules and Regulations and the National Electrical Code, the Rules and Regulations shall be observed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code and these Rules and Regulations, 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.

~~((Safe Wiring labels are required and may be obtained at addresses where state electrical inspectors are located.))~~

AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

WAC 296-46-140 PLAN REVIEW FOR INSTITUTIONAL, EDUCATIONAL AND OTHER BUILDINGS.
(1) All plans for new or altered electrical installations in institutional buildings ~~((and educational occupancies must))~~ shall be reviewed and ~~((approved))~~ accepted by the State Health Department ~~((, Olympia Airport, Olympia, Washington 98504;))~~ and the Electrical Inspection Section ~~((, 319 East 4th Avenue, P.O. Box 207, Olympia, Washington 98504; and the State Fire Marshal's Office, Insurance Building, Olympia, Washington 98504;))~~ prior to beginning such installation. Refer plans to State Health Department, Olympia Airport, Olympia, Washington 98504.

(2) ~~((Institutional and Educational occupancies shall be wired in a raceway, or A.L.S. or M.I. cable.~~

~~EXCEPTION NO. 1 - For signal and control circuits, other than those circuits defined under emergency systems per National Electrical Code, Section 517-2, and Sections 725-3(a) and 725-4, open cable wiring approved for the purpose shall be permitted for Class 2 signal and control circuits up to 30 volts and 3.2 amperes installed in accordance with Article 725 of the National Electrical Code.~~

~~EXCEPTION NO. 2 - Open cable wiring approved for the purpose (NFPA Bulletin No. 71) shall be permitted for Central Station Protective Systems installed and operator manned and supervised in accordance with the National Fire Protection Association Bulletin No. 71, 1970-71 issue.) All plans for new or altered electrical installations in educational buildings shall be reviewed and accepted by the State Electrical Inspection Section prior to beginning such installation. Refer plans to Electrical Plans Examiner, Room 515, Department of Labor and Industries, 300 West Harrison, Seattle, Washington 98119.~~

(3) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or other interested parties.

(4) Charges for plan review of educational and other type buildings, but not including institutional buildings reviewed under subsection (1) of this section, will be based upon ten percent of the job label fee as determined by WAC 296-46-495 with a minimum fee of twenty dollars. Review fee shall be due at time of plan submittal.

AMENDATORY SECTION (Amending Order 75-25, filed 8/4/75)

WAC 296-46-150 ~~((OTHER BUILDINGS. The following building occupancies shall be wired only with busways or raceways or cable trays, or types CS, SNM, TC, ALS, MI or MC (Metal-clad interlocked armored) cables; subject to the National Electrical Code.))~~ WIRING METHODS FOR DESIGNATED BUILDING OCCUPANCIES. (1) The fixed wiring methods for institutional and educational occupancies shall be metal raceway, nonmetallic raceways encased in not less than two inches of concrete, M.I. or M.C. cable.

EXCEPTION No. 1—For signal and control circuits, other than those circuits defined under emergency systems per National Electrical Code, Section 517-2, and Sections 725-3(a) and 725-4, open cable wiring approved for the purpose shall be permitted for Class 2 signal and control circuits installed in accordance with Article 725 of the National Electrical Code.

EXCEPTION No. 2—Open cable wiring approved for the purpose of (NFPA Bulletin No. 71) shall be permitted for Central Station Protective Systems installed and operator manned and supervised in accordance with the latest adopted edition of the National Fire Protection Association Bulletin No. 71.

(2) Other Buildings. The fixed wiring method in the following building occupancies shall be busways, metal raceways, nonmetallic raceways encased in not less than two inches of concrete, cable trays or types SNM, TC, MI, MC cables; subject to the National Electrical Code.

~~((+))~~ (a) Commercial Buildings: Commercial buildings open to the public and designed, intended or used for the purpose of accommodating 200 or more persons. For determination of such population capacity, the following number of square feet per person shall be applied: for standing capacity, 3 square feet per person for such building areas as ~~((rapid))~~ transit stations, bus depots, ~~((waiting space in motion picture theaters))~~ court rooms and like buildings; for fixed seating capacity, 6 square feet per person for such building areas as ~~((churches, theaters,))~~ church chapels, conference rooms, multi-purpose rooms and like buildings; for all other such commercial buildings, 25 square feet per person.

~~((a Provisions of))~~ Occupant capacity noted in Article 518 of the National Electrical Code governing those occupancies designated will not be recognized.

~~((+))~~ (b) Industrial Plants: Industrial plants, except that open conductors of No. 4/0 or larger size may be installed on insulators not less than 20 feet above floor or working surface level in accordance with Article 320 of the National Electrical Code.

EXCEPTION No. 1—Rigid nonmetallic conduit may be installed in areas outlined in National Electrical Code Section 300-6.

~~((+))~~ (c) Multi-Family Occupancy Buildings (i.e., apartment buildings, hotels, motels and dormitories) of two or more stories, not including basement, shall be wired in accordance with Chapter 3 of the National Electrical Code except feeders and subfeeders in such buildings shall be wired in ~~((accordance with the opening paragraph of this rule))~~ a raceway(s).

EXCEPTION NO. 1—For signal and control circuits, other than those defined as Class 1 circuits per National Electrical Code, Sections 725-3(a) and 725-4, open cable wiring approved for the purpose shall be permitted for Class 2 signal and control circuits ~~((up to 30 volts and 3.2 amperes))~~ installed in accordance with Article 725 of the National Electrical Code.

EXCEPTION NO. 2—Open cable wiring approved for the purpose (NFPA Bulletin No. 71) shall be permitted for Central Station Protective Systems installed and operator manned and supervised in accordance with the latest adopted edition of the National Fire Protection Association Bulletin No. 71 ~~((, 1970-71 issue))~~.

AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

WAC 296-46-200 SERVICE ENTRANCE CONDUCTORS. (1) Service entrance conductors shall extend at least 18 inches from the service head to permit connection to the service drop. See National Electrical Code, Section 230-54.

(2) Service entrance conductors shall extend no more than 15 feet inside a building.

(3) Unfused code grade conductors 600 volts or less shall be installed in a metallic raceway when within ~~((the lines of))~~ the building structure. See National Electrical Code, Section 230-44.

AMENDATORY SECTION (Amending Order 72-7, filed 6/7/72)

✓ WAC 296-46-220 SERVICE ((ENTRANCE)) EQUIPMENT. Service equipment shall be readily accessible and shall not be installed in bathrooms, clothes closets, shower rooms, cupboards, attics, nor above washers, dryers or plumbed in fixtures.

Service equipment shall be readily accessible after any subsequent building additions.

Service switches and other equipment exposed to elements of the outside weather shall be rain tight type factory built for the purpose.

NEW SECTION

✓ WAC 296-46-242 TRANSFORMER NEUTRAL GROUNDING. Where services over 600 volts are supplied from multi-ground, neutral systems with transformer protection provided by fuses in the primary feeders as provided in the National Electrical Code, Section 450-3(a), the grounded neutral conductor shall be connected to a grounding electrode at each transformer location. Where the secondary of the transformer or transformers is grounded, the secondary ground shall be connected to the common neutral ground.

EXCEPTION No. 1—Will not apply to industrial distribution systems.

EXCEPTION No. 2—The bond between the transformer secondary neutral ground and primary common neutral may be removed if the connection causes undesirable currents or voltages.

NEW SECTION

✓ WAC 296-46-244 UTILITY CONDUCTOR LIMITATIONS. (1) "Termination immediately inside an outside building wall" will be interpreted to mean terminating in a junction box or a meter enclosure located in the outside wall of the structure with not more than eight feet of rigid steel or intermediate metal conduit within the framed wall. See WAC 296-45-900 (Appendix C, Drawing E-103), and WAC 296-45-905 (Appendix D, Drawing E-104).

(2) "Termination immediately inside the building lines" shall be interpreted to be a maximum of 18 inches rigid steel or intermediate metal conduit to the bottom of a J-box, C.T. or meter enclosure. See WAC 296-45-900 (Appendix C, Drawing E-103(A)), and WAC 296-45-905 (Appendix D, Drawing E-104).

(3) The identified neutral conductor of a service lateral in accordance with the preceding paragraphs may be identified with a yellow jacket.

(4) National Electrical Code, Section 230-44, will be recognized except as stated in paragraph (1) above.

AMENDATORY SECTION (Amending Order 69-2, filed 2/28/69)

✓ WAC 296-46-270 METALLIC PLUMBING LINES. All metallic water lines including waste systems, shall be bonded together by approved means ~~((and, unless a buried section of pipe meeting the requirements of Section 250-81, National Electrical Code, is included, shall be connected to an approved grounding electrode)).~~ See ~~((fine print note;))~~ Section ~~((250-81))~~ 250-80 of the National Electrical Code.

AMENDATORY SECTION (Amending Order 72-7, filed 6/7/72)

✓ WAC 296-46-350 EMERGENCY SYSTEMS. See Article 700, National Electrical Code. Emergency systems shall comply with the latest adopted edition ~~((1970 issue))~~ of the National Fire Protection Association Bulletin 101, ~~((Building Exits))~~ Life Safety Code. ~~((Notwithstanding))~~ In accordance with Section ~~((700-10))~~ 700-6(d), National Electrical Code, separate emergency service conductors shall be provided and may be tapped on the load side of the electric utility metering equipment provided they are sufficiently separated and effectively fireproofed from the main service disconnecting means ~~((to prevent simultaneous interruption of supply through an occurrence within the building or group of buildings served)).~~

Emergency Systems: Exit and emergency lights in ~~((auditorium))~~ places of assembly and including corridors must be installed where the seating capacity is 200 or more. The seating capacity will be determined by allowing a basis of 6 square feet per person.

AMENDATORY SECTION (Amending Order 69-2, filed 2/28/69)

✓ WAC 296-46-390 WOODWORKING PLANTS. The production areas of saw mills and commercial and industrial woodworking plants shall be wired in rigid metal conduit, intermediate metal conduit M.I. cable ~~((or approved armor lock cable)),~~ MC cable, or, if not subject to mechanical injury or vibration, E.M.T. with compression ring fittings ~~((or A.L.S. cable)).~~

AMENDATORY SECTION (Amending Order 75-25, filed 8/4/75)

✓ WAC 296-46-424 RESIDENTIAL OCCUPANCIES, GROUND FAULT CIRCUIT INTERRUPTERS. In addition to complying with Article 210-8, National Electrical Code, there shall be a separate circuit ~~((installed and))~~

and/or circuits limited to the bathroom(s), garage and those outdoor receptacles GFCI protected. Receptacles on the load side of the GFCI device shall be considered as being on a separate circuit.

EXCEPTION: Receptacles for a single appliance such as door openers and refrigeration equipment need not be GFCI protected.

AMENDATORY SECTION (Amending Order 74-43, filed 1/3/75)

WAC 296-46-426 BONDING AGRICULTURAL STRUCTURES AND EQUIPMENT. In accordance with the National Electrical Code, (~~Section~~) Article 250(~~=23(b), Section 250-24 Exception (2), Section 250-45(d) and Section 250-54~~), buildings housing livestock must have all metallic and conductive portions (~~of livestock shall have all conductive parts of~~) of such structures and/or equipment used in such structures bonded to (~~the~~) a common grounding electrode (~~as defined in the National Electrical Code, Section 250-54~~). Concrete slabs shall be considered as a conductive portion of the structure. For Agricultural Buildings, see National Electrical Code, Article 547.

AMENDATORY SECTION (Amending Order 69-2, filed 2/28/69)

WAC 296-46-480 LOCATION OF PAD MOUNTED TRANSFORMERS. (1) (~~Definition~~) Definition - A pad-mounted transformer installation is an installation of an oil-filled transformer outdoors wherein all bushings, handholes, and live and operating parts are guarded by a solid metal enclosure so secured as to be available to (~~authorize~~) authorized qualified personnel only. This will not prohibit the use of approved glass monitoring devices or properly baffled ventilators.

(2) Where a pad-mounted transformer is to be installed adjacent to a structure of combustible material, it shall not be closer than eight (8) feet minimum. This eight foot separation should be measured from the nearest metal portion of the pad-mounted transformer installation to the nearest building features required to be safeguarded. In the case of overhanging eaves or roof lines of combustible material on standard single story structure, the eight foot measurement should be made in such a way as to provide eight feet of clear space between said eaves and the nearest metal portion of the pad-mounted transformer installed outside a vertical line extended from the ends of the eaves to the ground if this distance is at least eight feet horizontally from a combustible wall. In addition, the grade of the ground at the location of the pad-mounted transformer shall be such that any oil leaking from the transformer will flow away from the building and will not form pools

EXCEPTION: In urban residential areas where improved alleyways are utilized, and where a pad-mounted transformer is to be installed adjacent to a structure of combustible material; it (~~may be~~) shall not be closer than two (2) feet minimum, provided the structure is non-inhabited, such as an automobile garage.

(3) Pad-mounted transformer installations shall not be made nearer than two (2) feet, measured horizontally to a non-combustible building surface having no doors, windows or other openings closer than indicated in paragraph (2).

(4) Pad-mounted transformer installations should not be located where exposed to damage by automobiles, trucks or other mobile type of machinery. Where transformers are installed in areas subject to other than pedestrian traffic, they shall be provided with (~~approved~~) additional guarding. (~~If in question, consult the serving agency or State Electrical Inspector as to safeguarding transformers and selection of their location.~~)

(5) Pad-mounted transformer installations shall meet the requirements for being effectively grounded as provided in Section 250-51, National Electrical Code.

NEW SECTION

WAC 296-46-492 ELECTRICAL LICENSE AND ADMINISTRATOR CERTIFICATE DESIGNATION. See RCW 19.28.120. (1) General Electrical License and/or Administrator's Certificate encompasses all phases of electrical installations for heat, light and power.

(2) Specialty (limited) electrical licenses and/or administrator's certificates are as follows:

(a) Residential: Limited to the wiring of one and two family dwellings, or multi-family dwellings not exceeding three floors above grade. All wiring to be in nonmetallic sheathed cable, except service and/or feeders.

(b) Domestic Appliances: Limited to the electrical connection of household appliances and the wiring thereto; such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces and similar appliances. This specialty license includes circuits to the appliances; however, it does not include the installation of service and/or feeders.

(c) Pump and Irrigation: Limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems and related pumps and pump houses. This specialty license includes circuits, feeders, controls and services to supply said pumps.

(d) Limited Energy System: Limited to the installation of signaling and power limited circuits and related equipment. Such license includes the installation of fire protection signaling systems, intrusion alarms, nonutility owned communication systems and such similar low energy circuits and equipment.

(e) Signs: Limited to the placement and connection of signs and outline lighting, the electrical supply, related controls and associated circuit extensions thereto.

NEW SECTION

✓ WAC 296-46-493 ELECTRICAL CONTRACTING AND ADMINISTRATOR CERTIFICATE FEES.

(1) General Electrical License (Annual) -	\$200
(2) Specialty Electrical License (Annual) -	\$150
(3) Administrator Certificate Examination -	\$50
(4) Administrator Certificate Renewal (Annual) -	\$20

NEW SECTION

✓ WAC 296-46-495 SAFE WIRING LABELS AND FEES. Inspections shall not be made nor services connected unless a safe wiring label is completely and legibly filled out and readily available.

For fee purposes:

- (1) Mobile homes shall be considered as single family residences.
- (2) Four or more locations for mobile homes, travel trailers or coaches shall be considered a mobile home park.
- (3) Fees shall be paid in accordance with the inspection fee schedule WAC 296-46-910 (Appendix F).

✓ AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

WAC 296-46-500 ADMINISTRATIVE RULES, SCOPE AND PURPOSE ((~~FOREWORD~~)). The State Electricians and Electrical Installations Law, chapter 19.28 RCW, establishes the governor appointed Electrical Advisory Board and a Board of Electrical Examiners and fixes their administrative responsibilities(:(:)) as follows: (1) The Advisory Board's ((~~principle~~)) principal function is to assist the director of the Department of Labor and Industries in adopting and promulgating reasonable rules and regulations in furtherance of safety to life and property with respect to electrical installations and appliances. While the Advisory Board will, upon request of the director of the Department of Labor and Industries or the Electrical Inspection Section 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 as a board of appeal nor will it render decisions concerning 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.

(2) The Board of Electrical Examiners ((~~principle~~)) principal purpose and function is to establish and administer a written examination for an electrical contractors qualifying certificate and to certify to the director of the Department of Labor and Industries all persons who are entitled to electrical contractors qualifying certificates.

(3) The primary purpose of the following rules is to provide a uniform procedure whereby persons, firms or corporations interested in communicating with the Department of Labor and Industries 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 Section of such department may be heard.

AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

✓ WAC 296-46-510 DEFINITIONS. Whenever used in these rules, the words:

Advisory Board: Shall mean the Washington State Electrical Advisory Board appointed by the governor pursuant to RCW 19.28.065.

Examining Board: Shall mean the Board of Electrical Examiners.

Department: Shall mean the Department of Labor and Industries of the state of Washington.

Director: Shall mean the Director of the Department of Labor and Industries.

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

Board Meeting: Shall mean the quarterly meetings held by the Examining Board on the first Monday of February, May, August and November of each year.

Special Meeting: Shall mean any meeting of the Advisory Board ((~~and~~)) or Examining Board called by the chairman thereof or the Director and held at times other than the regular meetings.

✓ AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

WAC 296-46-515 OFFICERS. In addition to the chairman and secretary of the Advisory Board, as provided for by RCW 19.28.065, the Advisory Board shall elect from its members a vice chairman who shall perform all functions of the chairman in his absence.

The Examining Board shall select its own chairman and elect from its members a vice chairman who shall perform all functions of the chairman in his absence.

AMENDATORY SECTION (Amending Order 74-43, filed 12/19/74)

WAC 296-46-525 BOARD DUTIES. (1) (a) The Advisory Board shall study proposed rules and regulations submitted to it by the Director or by the Electrical Inspection Section of the Department and shall make recommendations to the Director concerning their adoption and promulgation.

~~((2))~~ (b) The Advisory Board shall further develop and submit for consideration to the Director administrative procedures, organizational plans and rules relating to improving the functions of the Electrical Inspection Section.

~~((3))~~ (c) The Advisory Board shall at each regular or special meeting consider any written proposals made by any persons, firms or corporations 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 Section provided such proposals are submitted in writing to the secretary of the Advisory Board at least fifteen (15) days prior to any such meeting so that the same may be properly included on the agenda for such meeting.

(2) The Examining Board shall design an examination which will reasonably insure that electrical ~~((contractors))~~ contractor's qualifying certificate holders are competent to engage in and supervise the work covered by the ~~((Statue))~~ Statute, chapter 19.28 RCW.

~~((The))~~ This board shall certify to the Director all persons who are entitled to electrical contractors qualifying certificates.

NEW SECTION

WAC 296-46-590 ELECTRIC HEATING. (1) In accordance with the National Electrical Code, Section 215-5, where electric heating is to be installed, heat loss calculations and plans will be required whenever it appears necessary in order to assure the safe operation of the electric heating equipment or when diversity is requested.

These calculations shall be made in accordance with one of the following:

(a) WAC 296-46-59005 (Appendix A).

(b) The local serving utility heat loss calculations when based on the 1977 edition of ASHRAE GUIDE, Handbook of Fundamentals.

(c) The 1977 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers' Handbook of Fundamentals (ASHRAE 1977 Handbook of Fundamentals). Manuals and guides from National Environmental Systems Contractors Association (NESCA-Manual J. 1975).

(d) Any published heat loss tables based on ASHRAE GUIDE and approved by the Department of Labor and Industries.

(2) The submitter of heat loss calculations shall provide satisfactory evidence in writing from the general contractor, financing institution and/or owner stipulating in the "R" value of the insulation (insulation material only) that will be installed and where it is to be located.

(3) Line voltage double circuit thermostats shall not be permitted. The Department of Labor and Industries has the right to review and rule on the use of new line voltage controls submitted by the the manufacturers.

(4) Line voltage electric heating control devices, if not approved for continuous load, shall be derated to 80 percent of rated capacity.

(5) Residential and Residential Multiple Occupancy Structures:

(a) Heat loss calculations shall be based on a minimum of 70°F. indoor temperature with an outdoor design temperature as indicated in WAC 296-46-59010 (Appendix B) or the 97 1/2 percent column of ASHRAE Standards, weather data and design conditions, except that special application justifying the use of different design temperatures may be approved.

(b) Heat loss calculations for common ceilings, walls or floors separating living spaces from garages and carports shall be considered the same as outside exposure for calculation purposes.

(c) Heat loss calculations for common interior walls and floors separating adjoining living units of multiple occupancy structures shall be based on a minimum of 10° temperature difference. Common interior ceilings separating adjoining living units of multiple occupancy structures shall be based upon a minimum of 20° temperature difference, except that radiant ceilings shall be based on a minimum of 50° temperature difference.

(d) Structures designed with unheated interior spaces adaptable for future use shall have adequate service entrance and service equipment ampacity to provide electric heat for that space. In calculating the additional capacity needed to adequately heat these spaces, insulation values shall be comparable to that which is installed in the finished spaces. (If ducts from a central system are installed for the purpose of heating an interior space adaptable for future use, the system shall be sized to include the heat loss of that space.)

(e) Electric heating equipment shall be installed to meet or exceed the calculated heat loss in all new structures and existing structures which are converted to electric heat.

The minimum demand factor of 75 percent of the installed heating capacity may be used in sizing service entrance equipment when electric service is provided through a single panel.

(f) Where electric heat is used in a supplemental or auxiliary capacity, or where electric heating is installed in garages, patios, workshops, storage areas, and other incidental applications, heat loss calculations will not be required.

(g) An automatic temperature regulating device shall be installed to provide effective control of a heated space except for bathroom heater's designed for manual switch operation.

(i) Heated space shall be interpreted to mean: An entire space which is effectively separated from another by means of partition walls and/or doors, even though small permanent openings such as pass throughs and passage ways may exist.

(ii) Effective control shall be interpreted to mean: Not more than one automatic temperature regulating device to control all heating equipment in any heated space. (Applications outlined in subdivision 5-f are excluded.) An additional control may be used for regulating the temperature in adjoining stairways and entries where necessary due to design and/or exposure conditions. Special control applications justifying deviations from the above shall be subject to approval.

(h) Heat loss shall be calculated for ductwork or piping installed in vented attics, crawl spaces and unheated garages when central electric systems are to be installed.

(i) Heat loss calculations for radiant ceilings shall be based on a minimum of 100°F. ceiling temperature.

(6) Commercial and Industrial Electric space heating:

(a) When required by the department of labor and industries or when diversity is requested on sizing service entrance equipment, heat loss calculations and plans shall be submitted.

(b) A minimum demand factor of 75 percent of the installed space heating capacity used exclusively for heating may be used in sizing service entrance equipment if all the following conditions are met:

(i) Heat loss calculations shall be computed in accordance with subdivision 1-b, c or d where applicable.

The indoor temperature used for the purpose of calculating heat loss may vary according to the established use factor of the spaces involved.

(ii) Subsections 2, 3 and 4 shall be complied with.

(iii) Heating capacity installed meets or exceeds the submitted heat loss calculations.

(iv) Where electric heating equipment is controlled by three or more automatic temperature regulating devices.

(v) The service entrance conductors shall not have less ampacity than the largest feeder conductor.

NEW SECTION

WAC 296-46-59005 APPENDIX A—RESIDENTIAL HEAT LOSS TABLES.

APPENDIX A – RESIDENTIAL HEAT LOSS TABLES

NOTE: All "Added Insulation" values are for MATERIAL ONLY. R-Values for construction were included in the calculations deriving the watt loss factors in the following tables.

Table 1
Windows and Doors

Watt Loss Factor (Per Square Foot)

Temperature Difference	Single Glass (R=.9) (U=1.13)		Doors Double Glass Storm Windows (R=1.43) (U=.70)
	50°F	16.6	10.1
55°F	18.2	11.1	
60°F	19.9	12.1	
70°F	23.2	14.2	
80°F	26.5	16.2	
90°F	29.8	18.2	

Table 2
Outside Walls
(R=3.0) (U=.33)
Frame

Watt Loss Factor (Per Square Foot)

Temperature Difference	No Added Insulation	Added Insulation			
		R-7	R-11	R-13	R-18/19
50°F	4.8	1.5	1.0	0.9	0.70
55°F	5.3	1.6	1.2	1.0	0.77
60°F	5.8	1.8	1.3	1.1	0.84
70°F	6.8	2.1	1.5	1.3	0.98
80°F	7.7	2.3	1.7	1.5	1.10

Temperature Difference	No Added Insulation	R-7 Added Insulation	R-11 Added Insulation	R-13 Added Insulation	R-18/19 Added Insulation
90°F	8.7	2.6	1.9	1.6	1.30

Table 3
 Outside Walls
 (R=1.35) (U=.74)
 Concrete and Other Masonry Units Above Grade

Watt Loss Factor (Per Square Foot)

Temperature Difference	No Added Insulation	R-4 Added Insulation	R-6 Added Insulation	R-9 Added Insulation	R-11 Added Insulation	R-18 Added Insulation
50°F	11	2.7	2.0	1.4	1.2	0.76
55°F	12	3.0	2.2	1.6	1.3	0.83
60°F	13	3.3	2.4	1.7	1.4	0.91
70°F	15	3.8	2.8	2.0	1.7	1.10
80°F	17	4.4	3.2	2.3	1.9	1.20
90°F	20	4.9	3.6	2.5	2.1	1.40

Table 4
 Ceiling
 (R=1.8) (U=.56)
 With Vented Attic Above

Watt Loss Factor (Per Square Foot)

Temperature Difference	No Added Insulation*	R-7 Added Insulation*	R-11 Added Insulation*	R-13 Added Insulation*
50°F	8.1(13.0)	1.7(2.7)	1.1(1.8)	1.00(1.6)
55°F	9.0(13.8)	1.8(2.8)	1.3(1.9)	1.10(1.7)
60°F	9.8(14.6)	2.0(3.0)	1.4(2.1)	1.20(1.8)
70°F	11.4(16.3)	2.3(3.3)	1.6(2.3)	1.40(2.0)
80°F	13.0(17.9)	2.7(3.7)	1.8(2.5)	1.60(2.2)
90°F	14.6(19.5)	3.0(4.0)	2.1(2.7)	1.80(2.4)

Table 4 (cont.)

Temperature Difference	R-19 Added Insulation*	R-24 Added Insulation*	R-30 Added Insulation*	R-38 Added Insulation*
50°F	0.70(1.13)	0.57(0.91)	0.46(0.74)	0.37(0.59)
55°F	0.77(1.20)	0.63(0.97)	0.51(0.78)	0.40(0.63)
60°F	0.85(1.30)	0.68(1.02)	0.55(0.83)	0.44(0.66)
70°F	0.99(1.40)	0.79(1.10)	0.64(0.92)	0.52(0.74)
80°F	1.10(1.50)	0.91(1.20)	0.74(1.01)	0.59(0.81)
90°F	1.30(1.70)	1.00(1.40)	0.83(1.11)	0.66(0.88)

* For Ceilings with heating cable installations (radiant heat) use figures in parentheses. (Calculated on 100°F ceiling temperature).

Table 5
Ceiling
(R=3.0) (U=.33)
Open Beam Construction
With Built-Up Roof

Watt Loss Factor (Per Square Foot)

Temperature Difference	No Added Insulation	R-4 Added Insulation	R-8 Added Insulation	R-11 Added Insulation
50°F	4.9	2.1	1.3	1.0
55°F	5.4	2.3	1.5	1.2
60°F	5.9	2.5	1.6	1.3
70°F	6.8	2.9	1.9	1.5
80°F	7.8	3.3	2.1	1.7
90°F	8.8	3.8	2.4	1.9

Table 5 (cont.)

Temperature Difference	R-13 Added Insulation	R-19 Added Insulation	R-24 Added Insulation	R-30 Added Insulation
50°F	0.9	0.67	0.54	0.44
55°F	1.0	0.73	0.60	0.49
60°F	1.1	0.80	0.65	0.53
70°F	1.3	0.93	0.76	0.62
80°F	1.5	1.07	0.87	0.71
90°F	1.6	1.20	0.98	0.80

Table 6
Floor
(R=4.3) (U=.23)
Over Crawl Space or Garage Areas

Watt Loss Factor (Per Square Foot)

Temperature Difference	No Added Floor Insulation	R-6 Added* Perimeter Wall Insulation	R-8 Added* Perimeter Wall Insulation	R-9 Added Floor Insulation	R-11 Added Floor Insulation	R-19 Added Floor Insulation
50°F	3.4	2.15	1.80	1.10	0.96	0.63
55°F	3.7	2.36	1.98	1.21	1.05	0.69
60°F	4.1	2.57	2.15	1.32	1.15	0.75
70°F	4.8	3.00	2.51	1.54	1.34	0.88
80°F	5.5	3.42	2.87	1.76	1.53	1.01
90°F	6.1	3.86	3.23	1.98	1.72	1.13

* When tightly-fitting operable louvered vents are installed in the perimeter foundation wall and insulation extends from the interior ground level to the subflooring.

Table 7
 Floor
 (R=4.3) (U=.23)
 Over Enclosed Unheated Area
 Basements, Cellars, Etc.

Temperature* Difference	Watt Loss Factor (Per Square Foot)				
	No Added Insulation	R-9 Added Insulation	R-11 Added Insulation	R-13 Added Insulation	R-19 Added Insulation
50°F	1.7	.55	.48	.42	.31
55°F	1.9	.61	.53	.47	.35
60°F	2.0	.66	.57	.51	.38
70°F	2.4	.77	.67	.59	.44
80°F	2.7	.88	.77	.68	.50
90°F	3.1	.99	.86	.76	.57

* Calculations are based on the assumption that 50% of outdoor temperature difference occurs between heated and unheated space.

Table 8
 Floor
 Concrete Slab Including
 Concrete Walls Below Grade*

NOTE: Watt Loss Factor (Per Lineal Foot – Measure Entire Perimeter)

Temperature Difference	No Added Perimeter Insulation	R-4 Added Perimeter Insulation	R-6 Added Perimeter Insulation	R-8 Added Perimeter Insulation	R-9 Added Perimeter Insulation	R-11 Added Perimeter Insulation
50°F	12	7.5	5.0	3.4	2.8	1.8
55°F	13	8.3	5.5	3.8	3.1	2.1
60°F	14	9.0	6.0	4.1	3.4	2.4
70°F	17	10.5	7.0	4.8	3.9	2.9
80°F	19	12.0	8.0	5.5	4.5	3.5
90°F	22	13.5	9.0	6.1	5.0	4.0

* Heat loss of slab floor includes loss of any concrete walls below grade.

Table 9
 Common Interior Ceilings, Walls or Floors
 Of Multiple Occupancy Structures*
 Ceilings(R=4.9) Walls(R=3.2) Floors(R=5.9)

Temperature Difference		Watt Loss Factor (Per Square Foot)			
		No Added Insulation	R-7 Added Insulation	R-11 Added Insulation	R-14 Added Insulation
20°F(50°F)	Ceilings*	1.2 (3.0)	.49(1.2)	.37(.92)	.31(.78)
10°F	Walls**	.92	.29	.21	.17
10°F	Floors**	.50	.23	.17	.15

* Based on 20° temperature difference (70° minus 50°) across ceiling area. For radiant ceiling installations use figures in parentheses, based on 50° temperature difference (100° minus 50°).

** Walls and floors based on 10° temperature difference (70° minus 60°).

Table 10
Infiltration

Temperature Difference	Watt Loss Factor (Per Cubic Feet of Volume)		
	Sunken Basement 1/2 Air Change Per Hour	2/3 Air Change* Per Hour	1 Air Change Per Hour
50°F	.13	.17	.26
55°F	.14	.19	.29
60°F	.16	.21	.32
70°F	.18	.25	.37
80°F	.21	.28	.42
90°F	.24	.32	.48

* For rooms with weatherstripped doors and insulated glass or storm windows.

Table 11
Duct Heat Loss Multipliers
(Central Systems Only)

NOTE: It is recognized that detailed duct layouts seldom accompany floor plans; therefore, this table is based on average duct design and shall be used to estimate duct heat loss, unless calculation of duct heat loss is based in accordance with formulas outlined in manuals listed in item 1-b of WAC 296-46-590.

Duct Location	Duct Insulation*	Approximate Installed R-Value	Multiplier**
Ducts located in unconditioned spaces such as attics, vented crawl spaces and unheated garages	No Insulation	R-0	0.70
	1" duct wrap	R-3.50	0.20
	1-1/2" duct wrap	R-5.00	0.16
	2" duct wrap	R-7.00	0.10
	1" rigid duct insulation	R-4.50	0.10
	3" duct wrap	R-9.00	0.08
Ducts located in conditioned space - no duct heat loss applicable.	4-1/2" duct wrap	R-11.00	0.06

* Nominal thickness listed.

** Multiplier assumes all joints are taped to prevent excess air loss.

Example: A house has a structure heat loss of 10,000 watts. Approximately 60% of the ductwork is located in unconditioned space and is insulated with 1-1/2" of duct wrap (R-5.0)

Refer to Heat Loss Calculation Form

- (1) Structure Heat Loss (SHL) = 10,000 Watts
- (2) 1-1/2" wrap duct insulation (thickness or R-value)
- (3) Duct heat loss multiplier (Table 11) DHLM - 0.16
- (4) 60% = 0.6 fraction of duct in unconditioned space
- (5) Estimated Duct Heat Loss = SHL (1) X DHLM (3) X Fraction (4) = (10,000) X (0.16) X (0.60) = 960 Watts
- (6) Total Heat Loss (1 plus 5) = 10,960 Watts

For Central Hydronic Systems

Calculation of piping heat loss for central hydronic systems shall be used on formulas outlined in manuals listed in item 1-b of WAC 296-46-590.

Table 12
Mobile Home Walls
(R=2.2) (U=.45)

Temperature Difference	Watt Loss Factor (Per Square Foot)				
	No Added Insulation	R-7 Added Insulation	R-8 Added Insulation	R-11 Added Insulation	R-13 Added Insulation
50°F	6.7	1.6	1.4	1.1	0.97
55°F	7.4	1.8	1.6	1.2	1.10
60°F	8.0	1.9	1.7	1.3	1.20
70°F	9.4	2.2	2.0	1.6	1.40
80°F	11.0	2.6	2.3	1.8	1.50
90°F	12.0	2.9	2.6	2.0	1.70

Table 13
 Mobile Home
 Ceiling (R=2.5)
 *Floor (R=2.5) (U=.40)

Temperature Difference	Watt Loss Factor (Per Square Foot)					
	No Added Insulation	R-7 Added Insulation	R-10 Added Insulation	R-11 Added Insulation	R-16 Added Insulation	R-19 Added Insulation
50°F	5.9	1.5	1.2	1.10	0.79	0.68
55°F	6.5	1.7	1.3	1.20	0.87	0.75
60°F	7.1	1.9	1.4	1.30	0.95	0.82
70°F	8.2	2.2	1.6	1.50	1.10	0.96
80°F	9.4	2.5	1.9	1.70	1.30	1.10
90°F	10.6	2.8	2.1	2.00	1.40	1.20

* Floor heat loss based on mobile home having skirting around it.

**CALCULATION OF WATT LOSS FACTORS
 FOR INSULATION R-VALUES NOT GIVEN IN TABLES**

Use the following formula:

$$\text{Watt Loss Factor} = \frac{\text{Temperature Difference}}{3.4 \times \text{Total Resistance}}$$

Where:

Temperature Difference: is the indoor to outdoor temperature difference listed in WAC 296-46-59010 (Appendix B), except for ceiling cable or panel heat add 30° to the temperature difference listed in WAC 296-46-59010 (Appendix B).

Total Resistance: is the sum of the thermal resistance of the basic construction found at the top of each table and the thermal resistance of the insulation material.

Example:

A floor over vented crawl space is insulated with R-24 insulation and is located in an area with a design temperature difference of 50°F. Calculate the watt loss factor.

Solution:

Basic construction resistance (Table 6)	= 4.3
Resistance of Insulation	= 24.
Total Resistance	28.3

$$\begin{aligned} \text{Watt Loss Factor} &= \frac{\text{Temperature Difference}}{3.4 \times \text{Total Resistance}} \\ &= \frac{50}{3.4 \times 28.3} \\ &= .52 \text{ Watts/Sq. Ft.} \end{aligned}$$

To convert BTU per hour to watts, the following formula will apply:

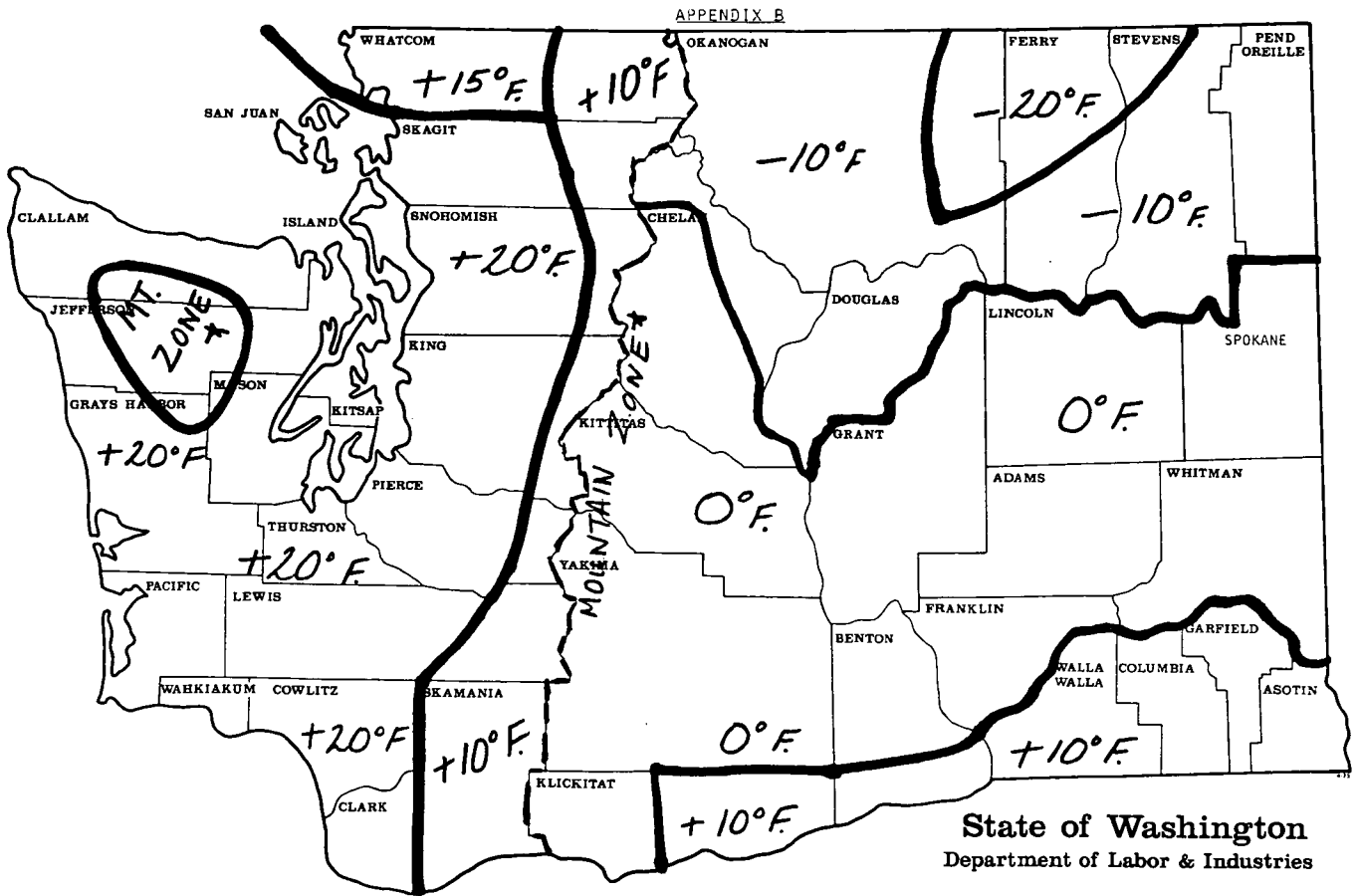
$$\text{Watts} = \frac{\text{BTUH}}{3.413}$$

$$\text{BTUH} = \text{Watts} \times 3.413$$

NEW SECTION

WAC 296-46-59010 APPENDIX B.

State of Washington
 Department of Labor & Industries
OUTDOOR DESIGN TEMPERATURES



* Structures located in the summit areas of the Cascades shall be considered east of the Cascades for calculation purposes.

Mountain zone design temperatures will vary based upon the elevation above sea level, location, and wind conditions. Therefore, some areas may require a colder outdoor design temperature. Consult the local inspecting authority if in doubt.

Outdoor Design Temperature

Design Temperature Difference

+25°F.	45°F.
+20°F.	50°F.
+15°F.	55°F.
+10°F.	60°F.
0°F.	70°F.
-10°F.	80°F.
-20°F.	90°F.

AMENDATORY SECTION (Amending Order 75-25, filed 8/4/75)

WAC 296-46-900 APPENDIX C—DRAWING E-103.

INTERPRETATIONS:

N.E.C. 90-2 (C) — Terminating immediately: J-Box, C.T. or meter enclosure (C). See WAC ((296-46-460)) 296-46-244, paragraphs (1) (&) and (2).

Conduit Raceways — All ((conduit)) raceways shall be rigid steel ((only with approved fiber bushing and)) or intermediate metal conduit when within the building lines. Conduit shall terminate underground a minimum of 24 inches deep with an approved fiber bushing attached.

EXCEPTION:

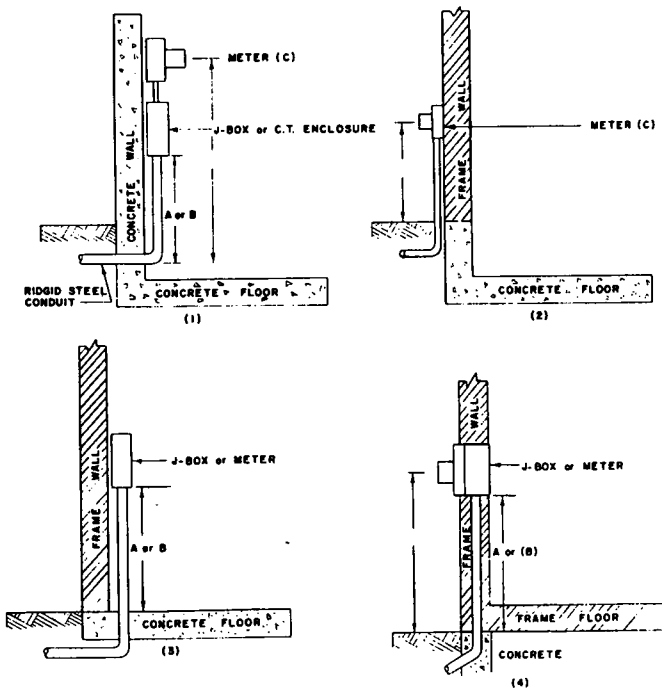
WAC ((296-46-460(4))) 296-46-244(4)

DISTANCE LIMITATION:

A. Utility grade wire — Service Lateral Termination WAC ((296-46-460)) 296-46-244 — As measured maximum, 18 inches if conduit is located inside the structure, or 8 feet if conduit is located in an outside framed wall.

B. Code grade wire — Service Entrance Conductors WAC 296-46-200 — As measured maximum 15 feet.

DISTANCE LIMITATIONS AS DESCRIBED IN A, B



NEW SECTION

✓ WAC 296-46-910 APPENDIX F—INSPECTION FEES SCHEDULE.

INSPECTION FEES SCHEDULE

Appendix F

BUILDING AND CONSTRUCTION SAFETY INSPECTION SERVICES DIVISION

ELECTRICAL INSPECTION SECTION DEPARTMENT OF LABOR AND INDUSTRIES

FEES. For fee calculation purposes, amperage will be based on conductor ampacity. Voltage will be based on service conductor voltage as per National Electrical Code, Article 230-201, or load side of transformer.

INSPECTION FEES SHALL BE PAID PRIOR TO CONNECTION BY SERVING UTILITY.

(1) New Service Fees:

Mobile Home Residence AMPS	Single Family Residence (Each Family Dwelling Unit) 1 phase	120/208 240 Volts		Other Than Residential	
		1 phase	3 phase	480-600 Volts 3 phase	601 & Over Volts 3 phase
1- 100	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ 32.00
101- 200	20.00	20.00	24.00	32.00	56.00
201- 300	24.00	24.00	36.00	48.00	88.00
301- 400	32.00	32.00	52.00	64.00	124.00
401- 500	40.00	40.00	68.00	84.00	160.00
501- 600	56.00	56.00	84.00	104.00	192.00
601- 800	64.00	64.00	96.00	120.00	228.00
801-1200	76.00	76.00	112.00	140.00	264.00
1201-1600		80.00	120.00	152.00	280.00
1601-2000		84.00	123.00	160.00	300.00
2001-2500		92.00	136.00	168.00	316.00
2501-3000		96.00	144.00	180.00	332.00
3001-4000		100.00	152.00	188.00	352.00
4001-5000		104.00	160.00	200.00	376.00
5001-6000		112.00	168.00	212.00	396.00

(2) A minimum fee of \$7 shall be charged for each of the following subject to noted limitations.

- Mobile home service connection in a mobile home park.
- Mobile home feeder where service is existing in a mobile home park.
- Recreational vehicle park each lot to which power is supplied.
- Boat space in a boat harbor or marina each berth to which power is supplied.
- Calculation of or checking heat calculations, where required.

(3) A minimum fee of \$10 shall be charged for each of the following subject to noted limitations.

- A temporary construction service for lighting and power of 20 KVA or less. The fee for a temporary construction service in excess of 20 KVA shall be 50% of the fee for a new service installation of like ampacity.
- Circuit extension installed for controls and motors for central heating plants such as gas, oil, and electrical furnaces.
- Yard pole meter loops or similar isolated metering installations.

- d. Each adjacent farm building served from yard pole other than each residence. Exceptions: Installations exceeding 200 amperes shall be in accordance with the appropriate schedule.
- e. Transient worker housing per unit.
- (4) The fee for installations, increase and/or relocation (altered) of an existing service or feeder shall be 50% of the fee for a new service of like ampacity, with a minimum fee of \$10.
- (5) The fee for new circuits, circuit extensions, circuit alterations, where the service or feeder is not modified, shall be a total of \$10 for one to four circuits inspected at the same time on the same premises under a single label and \$2 for each additional circuit.
- (6) The fee for sign and outline lighting circuits shall be a total of \$10 for one to four circuits inspected at the same time on the same premises under a single label and \$2 for each additional circuit.
- (7) Where a high voltage primary feeder terminates in a separate building it shall be classed as a separate service.
- (8) The fee for the first feeder installations with new services shall be 25% of the fee for service installations of like ampacity with a minimum fee of \$7.
- * (9) Optional fee schedule for service to individual motor(s) will be \$10 per motor for motor rating 25 HP or less: each additional horse power in excess of 25 HP will be an additional fifty cents per HP, with a maximum of \$100, including an allowance of 5 KVA of auxiliary motor equipment.
- (10) In addition to the service and feeder installation fee, the fee for each electrically driven irrigation machine shall be \$15.
Inspections requested for existing electrical facilities will be \$7 for the first hour or fraction thereof and \$20 each additional hour or fraction thereof.
- * The optional fee for a new service installation to individual motor(s) may be calculated in accordance with Item (9) above based on HP rating or calculated per the new service amperage schedule Item (1) above whichever is the lesser of the calculation methods so stated.

REPEALER

- ✓ The following sections of the Washington Administrative Code are repealed:
 - (1) WAC 296-46-250 SAFE WIRING LABEL.
 - (2) WAC 296-46-260 DIRECT BURIAL CABLE.
 - (3) WAC 296-46-265 CONDUCTORS OF DIFFERENT SYSTEMS.
 - (4) WAC 296-46-320 ELECTRICAL HEATING.
 - (5) WAC 296-46-400 MOBILE HOMES.
 - (6) WAC 296-46-401 ADMINISTRATIVE FEES.
 - (7) WAC 296-46-402 FEES.
 - (8) WAC 296-46-425 CONSTRUCTION SITES.

- (9) WAC 296-46-450 GROUNDED NEUTRAL CONDUCTOR.
- (10) WAC 296-46-460 TERMINATING IMMEDIATELY INSIDE AN OUTSIDE BUILDING WALL.
- (11) Appendix A RESIDENTIAL HEAT LOSS TABLES.
- (12) Appendix B OUTDOOR DESIGN TEMPERATURES—CHARTS.

**WSR 78-02-099
PROPOSED RULES
PERSONNEL BOARD
[Filed Jan. 31, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amend: WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION
- Amend: WAC 356-18-020 HOLIDAYS
- Amend: WAC 356-18-030 HOLIDAYS—RULES, REGULATIONS GOVERNING
- Amend: WAC 356-22-180 EXAMINATION—ORAL EXAMINING BOARD
- Amend: WAC 356-22-230 EXAMINATIONS—NON-COMPETITIVE
- Amend: WAC 356-30-070 APPOINTMENTS—ACTING

that such agency will at 9:00 a.m., Thursday, March 9, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 9, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1978, and/or orally at 9:00 a.m., Thursday, March 9, 1978, Board Meeting Room, 600 So. Franklin, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. 7960 filed with the code reviser's office on Dec. 30, 1977.

Dated: January 30, 1978
By: Leonard Nord
Secretary to the Board

AMENDATORY SECTION (Amending Order 113, filed 11/30/77)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

- (a) For full-time employees, work in excess of the workshift within the work day.
- (b) Work in excess of forty working hours in one workweek.
- (c) Work on a holiday (except Sunday when it is within the assigned workshift).
- (d) Work on a scheduled day off.
- (e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets (1)(a) through (d). However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets (1)(b) through (d) and may be paid overtime compensation for work which meets (1)(a).

(4) Exception work period employees are not normally compensated beyond their regular rate of pay for work which meets (1)(a) through (d). However, they may be compensated for any of those conditions if their appointing authority deems it appropriate. The rate of overtime compensation may be fixed by the appointing authority but may not exceed time-and-one-half the regular rate of pay for these employees.

Law enforcement employees shall receive overtime compensation for work that meets (1)(e) and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other Board decisions, the rate of overtime compensation for Scheduled and Nonscheduled work period employees shall be time-and-one-half.

(6) Non-scheduled employees who work in excess of sixteen consecutive hours without at least four hours of uninterrupted rest time shall be paid at the overtime rate for any additional hours worked, whether or not such hours extend into another work day.

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 109, filed 9/7/77)

WAC 356-18-020 HOLIDAYS. (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

Sunday	
New Year's Day	January 1
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The day immediately following Thanksgiving Day	
Christmas Day	December 25

(2) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025.

~~((3) Whenever any legal holiday falls on a Saturday the preceding Friday shall be the legal holiday. Whenever any legal holiday, other than a Sunday, falls on a Sunday, the following Monday shall be the legal holiday:))~~

AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-18-030 HOLIDAYS—RULES, REGULATIONS GOVERNING. (1) The holidays cited in WAC 356-18-020 except Sundays are paid non-working days for eligible employees.

(2) When operational necessity requires that employees work on any holiday except Sundays, they shall be compensated in accordance with

the applicable provisions of the Compensation Plan Appendix and WAC 356-15.

~~(3) For employees on a Monday through Friday work schedule: (a) Whenever any legal holiday falls on a Saturday the preceding Friday shall be the holiday. Whenever any legal holiday, other than a Sunday, falls on a Sunday, the following Monday shall be the holiday.~~

~~((3)) (4) For employees working at least 32 hours per week but not on a Monday through Friday work schedule:~~

~~(a) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on the employee's ((a-regularly)) scheduled work day, that day will be considered the holiday.~~

~~(b) When a holiday (other than Sunday) as identified in WAC 356-18-020(1) falls on ((a)) the employee's scheduled day off, agency heads shall, with respect to each individual employee, treat either the last preceding or the next following work day as the holiday.~~

~~((4)) (5) Temporary employees shall be given compensatory time or compensated for holidays in the same manner as permanent employees.~~

~~((5)) (6) Part-time employees who were on the payroll for at least ten working days during the month (but not including the holiday) and on their regularly scheduled work day immediately preceding the holiday and their regularly scheduled work day immediately following the holiday will be given compensatory time for the holiday in a proportionate amount of time actually worked during the month.~~

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 36, filed 7/1/71)

WAC 356-22-180 EXAMINATION—ORAL EXAMINING BOARD. The members of oral examining boards shall be chosen primarily for their ability to judge the technical and personal qualifications of people in their general field of work, impartially and objectively. At least one member by past experience and training shall be generally familiar with the nature of work in the class. No examining board may have less than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such board. If conditions require establishing multiple boards, tests and instructions shall be structured to insure uniformity of examining conditions and rating standards. ~~((A member))~~ Members of an oral examination board shall disclose each instance in which ~~((he))~~ they know ~~((s-the))~~ an applicant ~~((personally or has))~~ to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify ~~((himself))~~ themselves without rating the applicant or biasing the remaining members.

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

AMENDATORY SECTION (Amending Order 77, filed 5/7/75)

WAC 356-22-230 EXAMINATIONS—NON-COMPETITIVE. (1) The non-competitive service comprises those entry level unskilled classes or positions for which the Board has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score. ~~((However, selection procedures for positions included in the non-competitive service under subsection (2) of this section shall include as a minimum a competitive pass/fail screening device.~~

~~((2) The Director may present to the Board, for review and adoption, requests from the employing agencies to designate positions which are at salary range 28 or higher prior to implementation of the 1974 Salary Survey findings, as non-competitive after determining that the affected positions meet the following criteria and that they are not positions designated as project employment in accordance with WAC 356-30-145.~~

~~The positions must require the performance of managerial/administrative, supervisory, or high level professional-technical or scientific duties which render construction of competitive examinations impracticable.~~

~~Positions must involve the following responsibilities:~~

(a) The development of objectives and procedures for a substantial portion of an agency operation or program functional area and/or the direction and control of a program, division, or section.

AND/OR

(b) High-level professional-technical or scientific duties requiring advanced knowledge of a specific field acquired by graduate college work or equivalent specialized experience.

Accountability for program performance and attainment of program objectives is a primary requisite for positions to be included in this category as defined by the following statements and must be identified by the agency in its proposal for inclusion of a class or position in the non-competitive service.

(a) Duties must be assigned by area of responsibility, needed agency service, or results to be obtained, as opposed to methods and procedures to follow in completing an assignment. Authority is delegated to independently prioritize, plan, coordinate, and implement all actions necessary to provide the product, service, or to obtain assigned results.

(b) Assignments require the identification and analysis of the nature and scope of problems affecting the assigned section or functional area and the development of solutions in terms of agency needs, priorities, and goals. Incumbents should determine the resources necessary to develop and implement an entire solution within a specified time frame.

(c) Incumbents must coordinate activities of the assigned section or function with the balance of the department and/or with other state agencies or groups.

(d) Evaluation of work performed in the assigned area is in terms of effectiveness, timeliness, cost, etc.)

((3)) (2) The Director may designate agency personnel officers to act in the Director's behalf, as agents of the Department of Personnel, for purposes of establishing and maintaining unranked registers within the non-competitive service for those positions approved by the Board as primarily unskilled laboring classes; seasonal and temporary. The Director shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the Director in accordance with other provisions of these Rules.

AMENDATORY SECTION (Amending Order 56, filed 6/25/73)

WAC 356-30-070 APPOINTMENTS—ACTING. (1) An acting appointment is an appointment of a temporary nature made from within the service to a supervisory or managerial position.

(2) Acting appointments ((must be approved in advance by the Director and)) shall not exceed six months; however, in the event of pending major organizational changes affecting the position, the Director may approve requests for month to month extensions for a period not to exceed 30 days beyond the date of the appointment of a permanent incumbent to that position. Employing agencies shall retain records of such actions.

(3) Appointment shall be from among those employees interested and available to accept such an appointment regardless of minimum requirements. Primary consideration should, however, be given to eligibles on the agency promotional register for the class or for a related class as determined by the Director and the agency.

(4) An employee accepting an acting appointment shall be paid according to the ((r)) Rule regarding promotion.

(5) An employee shall not achieve permanent status in the higher class and upon termination of the acting appointment shall resume his/her permanent position and salary including increments which may have accrued.

WSR 78-02-100
PROPOSED RULES
PERSONNEL BOARD
[Filed Jan. 31, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040 that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amend: WAC 356-10-030 POSITIONS—
ALLOCATION—
REALLOCATION

Amend: WAC 356-10-050 POSITIONS—
REALLOCATION
UPWARD, IN-
CUMBENTS
Amend: WAC 356-10-030 POSITIONS—
ALLOCATION—
REALLOCATION
Amend: WAC 356-10-050 POSITIONS—
REALLOCATION
UPWARD, IN-
CUMBENTS
Amend: WAC 356-10-060 ALLOCA-
TION—
APPEALS

that such agency will at 9:00 a.m., Thursday, March 9, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 9, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1978, and/or orally at 9:00 a.m., Thursday, March 9, 1978, Board Meeting Room, 600 So. Franklin, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. 7887 filed with the code reviser's office on 11/23/77.

Dated: January 30, 1978
By: Leonard Nord
Secretary to the Board

AMENDATORY SECTION (Amending Order 77, filed 5/7/75)

WAC 356-10-030 POSITIONS—ALLOCATION—RE-ALLOCATION. (1) Position allocations or reallocations shall be based upon investigation of duties performed over an appropriate period as determined by the Director and other information and recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The Director or designated staff of the Department of Personnel;
OR,

(b) By agency directors or other designees authorized under (3) below.

(3) Agency directors may request and the Director may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions to established classes under the Merit System Rules and procedures approved by the Director.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the Director any changes in duties, responsibilities or organization in a position which may affect position allocation. Classification specification for the employee's position shall be available to incumbents upon request by the agency.

(5) ((Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the Director. This procedure will not cause undue delay in the Director reviewing the requested reclassification. Such procedures shall be subject to Director review and approval.)) The position incumbent should request a position review and/or reallocation within 90 days of an assignment of duties not included within the employee's current classification specification.

(6) Questions concerning the previous classification of employees due to the retitling or reallocating or reclassification of positions, or concerning classifications predating RCW 41.06.140 will be determined by the Director.

(7) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than 20 calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(8) A request for a position reallocation which has been appealed and heard by the Board or which was not appealed within the time limits of WAC 356-10-060 (1), may not be resubmitted within one (1) year from the date of the Board's ruling or the Director's notification, unless there has been a substantive change in the assigned duties and responsibilities of the position.

AMENDATORY SECTION (Amending Order 84, filed 10/20/75)

WAC 356-10-050 POSITIONS—REALLOCATION UPWARD, INCUMBENTS. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the Director when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the Rule governing promotion.

(2) ((Employee must compete and be certified from the appropriate eligible register when the position is reallocated based on a gradual accumulation of higher level duties and responsibilities. The employee's salary is then adjusted in accordance with the Rule governing promotion; however, the Director shall approve the retention of status under the following conditions:)) Employees in positions which have been reallocated upwards based on duties performed in excess of one year, shall retain status in the reallocated position and shall have their salary adjusted in accordance with the Rule governing promotion, provided:

(a) ((The accumulation has occurred over a period of one year or more and during tenure of the present incumbent:)) The employee passes the appropriate examination.

(b) ((The incumbent meets the minimum or desirable qualifications for the new class; or, the appointing authority or designated representative, may certify that the incumbent is able to perform the duties of the position and that the incumbent meets acceptable qualifications as determined by the Director:)) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the Director.

((c)) (3) ((The appointing authority, or designated representative, requests such approval in writing and indicates why the change was not reported earlier and why competition in filling the position is not feasible or desirable:)) Where the Director has established that the reallocation is an attempt to by-pass normal promotional procedures, the reallocated position shall be opened for promotion. The incumbent shall then be paid for time worked, up to a maximum of three (3) years, in the higher class based on the Rule governing promotion.

((d) The incumbent passes the appropriate examination:))

((3)) (4) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within 60 days, the provisions governing reduction-in-force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these Rules. Employees who do not retain status in a reallocated position shall be paid for time worked in the higher class based on the Rule governing promotion (up to a maximum of three (3) years).

((4)) (5) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency- or major subdivision-wide classification review planned and conducted by the Department of Personnel, when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Paragraphs (1) or (2) apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

((5)) (6) The Director may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed duties in the present position at a higher class for three (3) continuous years or more.

((6)) (7) The effective date of other than competitive reallocations and appointments in (2) and ((5)) (6) above will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the Department of Personnel. Receipt of such classification questionnaires shall be acknowledged by the Department of Personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the Department of Personnel.

((7)) (8) The application of ((6)) (7) above shall not abrogate the individual's right to appeal questions of substantial compensation inequity to the Personnel Board. However, if the Board grants salary relief for any period of time prior to the effective dates, which timely action would have caused to be established in ((6)) (7) above, such relief shall remove the inequity which resulted in the application of (2) or ((5)) (6) above and the employee may be required to compete and be certified to the position for which such salary relief has been granted.

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

AMENDATORY SECTION (Amending Order 77, filed 5/7/75)

WAC 356-10-030 POSITIONS—ALLOCATION—REALLOCATION. (1) Position allocations or reallocations shall be based upon investigation of duties performed over an appropriate period as determined by the Director and other information and recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The Director or designated staff of the Department of Personnel; OR,

(b) By agency directors or other designees authorized under (3) below.

(3) Agency directors may request and the Director may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions to established classes under the Merit System Rules and procedures approved by the Director.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the Director any changes in duties, responsibilities or organization in a position which may affect position allocation.

(5) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the Director. This procedure will not cause undue delay in the Director reviewing the requested reclassification. Such procedures shall be subject to Director review and approval reviewed and approved by the Director. Any variances from this procedure shall require written approval by the Director. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives prior to Director approval.

(6) Questions concerning the previous classification of employees due to the retitling or reallocating or reclassification of positions, or concerning classifications predating RCW 41.06.140 will be determined by the Director.

(7) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than 20 calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(8) Requests for position review shall be processed and a decision issued by the Director in no more than 90 days from submittal to the Department of Personnel, except in cases of classification studies.

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 84, filed 10/20/75)

WAC 356-10-050 POSITIONS—REALLOCATION UPWARD, INCUMBENTS. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the Director when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the Rule governing promotion.

(2) ~~((Employee must compete and be certified from the appropriate eligible register when the position is reallocated based on a gradual accumulation of higher level duties and responsibilities. The employee's salary is then adjusted in accordance with the Rule governing promotion; however, the Director shall approve the retention of status under the following conditions:))~~ Employees in positions which have been reallocated upwards based on duties performed in excess of one year, shall retain status in the reallocated position and shall have their salary adjusted in accordance with the Rule governing promotion, provided:

(a) ~~((The accumulation has occurred over a period of one year or more and during tenure of the present incumbent:))~~ The employee passes the appropriate examination.

(b) ~~((The incumbent meets the minimum or desirable qualifications for the new class, or, the appointing authority or designated representative, may certify that the incumbent is able to perform the duties of the position and that the incumbent meets acceptable qualifications as determined by the Director:))~~ The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the Director.

~~((c))~~(3) ~~((The appointing authority, or designated representative, requests such approval in writing and indicates why the change was not reported earlier and why competition in filling the position is not feasible or desirable:))~~ Where the Director has established that the reallocation is an attempt to by-pass normal promotional procedures, the reallocated position shall be opened for promotion. The incumbent shall then be paid for time worked, up to a maximum of three (3) years, in the higher class based on the Rule governing promotion.

~~((d))~~ The incumbent passes the appropriate examination:--)

~~((3))~~(4) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within 60 days, the provisions governing reduction-in-force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these Rules. Employees who do not retain status in a reallocated position shall be paid for time worked in the higher class based on the Rule governing promotion (up to a maximum of three (3) years).

~~((4))~~(5) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency- or major subdivision-wide classification review planned and conducted by the Department of Personnel, when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Paragraphs (1) or (2) apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

~~((5))~~(6) The Director may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three (3) years or more.

~~((6))~~(7) The effective date of other than competitive reallocations and appointments in (2) and ~~((5))~~(6) above will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the Department of Personnel. Receipt of such classification questionnaires shall be acknowledged by the Department of Personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the Department of Personnel.

~~((7))~~(8) The application of ~~((6))~~(7) above shall not abrogate the individual's right to appeal questions of substantial compensation inequity to the Personnel Board. However, if the Board grants salary relief for any period of time prior to the effective dates, which timely action would have caused to be established in ~~((6))~~(7) above, such relief shall remove the inequity which resulted in the application of (2) or ~~((5))~~(6) above and the employee may be required to compete and be certified to the position for which such salary relief has been granted.

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 87, filed 5/4/76)

WAC 356-10-060 ALLOCATION—APPEALS. Position allocation, or reallocation, questions of compensation regarding duties performed at a higher class, or incumbent status may be appealed and a Board hearing requested by the permanent employee occupying the position, or by the agency director as follows:

(1) The written request for a Board hearing must be filed with the Director within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the appeal.

(2) The Director shall acknowledge receipt of the appeal request with a copy to the agency.

(3) ~~((The agency shall make every effort to resolve the disagreement within 30 calendar days through agency review procedures:))~~ The employee and employee organization if appropriate, the agency, and the Director shall make every effort to resolve the disagreement within the 90-day period following the date of appeal.

~~((4))~~ The Director shall review the position and facts within 90 calendar days from the date of appeal request:--)

~~((5))~~(4) The Board shall conduct an open hearing and act upon the appeal following 20 calendar days' prior notice to the employee, the agency, or agencies affected and employee representatives who may present their views at the hearing.

~~((6))~~(5) Allocation or reallocation appeals which result from a class-wide or broader position survey need not be heard by the Board until the Director has had a reasonable period of time to re-examine the position in question and all pertinent facts.

(6) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

(7) In cases of allocation or reallocation appeals, agencies shall not take any action as a result of that appeal that will have an adverse salary impact on the incumbent of the position until the appeal is resolved.

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 78-02-101

PROPOSED RULES

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Filed Jan. 31, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.99 RCW, that the Interagency Committee for Outdoor Recreation, State of Washington, intends to adopt, amend, or repeal rules concerning semantic changes to WAC 286, as well as revisions specifically to amend the Code to comply with Legislative amendments to the Off-Road Vehicle Act (ORV) (originally passed in 1972) concerning definitions (changing the term "All-Terrain Vehicle" to "Off-Road Vehicle"), and rewriting of eligibility, qualifications, disbursement of funds and fund accountability to conform to the law. Adding a new section pertaining to Procedural Guidelines of the agency (286-04-060).

that such agency will at 2:00 p.m., Tuesday, February 7, 1978, in the Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, February 7, 1978, in the Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 34.04.025 and chapter 43.99 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 6, 1978 and/or orally at 2:00 p.m., Tuesday, February 7, 1978, Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. 7962 filed with the code reviser's office on December 30, 1977.

Dated: January 31, 1978

By: Robert L. Wilder

Administrator, Interagency Comm. for Outdoor Recreation

WSR 78-02-102
PROPOSED RULES
GAMBLING COMMISSION
[Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities. (A copy of the proposed rules is attached hereto; however, changes may be made at the public hearing.)

that such agency will at 10 a.m., Friday, March 10, 1978, in the Council Chambers, Olympia City Hall, 8th & Plum, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, March 10, 1978, in the Council Chambers, Olympia City Hall, 8th & Plum, Olympia, WA.

The authority under which these rules are proposed is chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1978 and/or orally at 10 a.m., Friday, March 10, 1978, Council Chambers, Olympia City Hall, 8th & Plum, Olympia, WA.

Dated: February 1, 1978

By: Edward H. Southon
Assistant Attorney General

AMENDATORY SECTION (Order No. 78, filed 11-17-77)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

~~((2))~~ (3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or 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 shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: PROVIDED, That the requirements of WAC 230-20-100 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or 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's rules.

~~((3))~~ (4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection ~~((2))~~ (3) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-340;
- (b) WAC 230-20-350;
- (c) WAC 230-20-150;
- (d) WAC 230-20-300.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the container from which the winning ticket(s) will be drawn, prior to the beginning of the fund raising 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 230-25-260 BONA FIDE MEMBER OF ORGANIZATION CONDUCTING FUND RAISING EVENT. 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) 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) Has (a) 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) 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) 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) 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 of 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.

WSR 78-02-103
PROPOSED RULES
PLANNING AND
COMMUNITY AFFAIRS AGENCY
 (Office of Community Development)
 [Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Planning and Community Affairs Agency (Office of Community Development) intends to adopt, amend, or repeal rules concerning chapter 314, Laws of 1977, rules for the provisions of Security and Privacy safeguards and controls over the dissemination of information pertaining to subjects named in criminal history files and non-conviction data.

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, February 8, 1978, in the Planning and Community Affairs Agency, 4th floor, Capitol Center Building, Olympia, Wash.

The authority under which these rules are proposed is RCW 10.97.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 7, 1978.

This notice is connected to and continues the matter noticed in Notice Nos. 7857, 7909, 7929 and WSR 78-02-057 filed with the code reviser's office on Jan. 20, 1978 (last notice filed).

Dated: February 1, 1978
 By: James Frits
 Deputy Director

WSR 78-02-104
PROPOSED RULES
PLANNING AND COMMUNITY AFFAIRS AGENCY
 [Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Planning and Community Affairs Agency intends to adopt, amend, or repeal rules concerning Washington State Weatherization Assistance Program for Low Income Persons;

that such agency will at 10:00 a.m., Tuesday, March 7, 1978, in the Capitol Center Building - 4th Floor Conference Room, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Thursday, March 9, 1978, in the Capitol Center Building - 4th Floor Conference Room.

The authority under which these rules are proposed is RCW 43.63A.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 7, 1978, and/or orally at 10:00

a.m., Thursday, March 7, 1978, Capitol Center Building - 4th Floor Conference Room.

Dated: January 31, 1978
 By: James Frits
 Deputy Director

Chapter 365-55
WASHINGTON STATE WEATHERIZATION
ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

WAC	
365-55-010	Definitions.
365-55-020	Program description.
365-55-030	Program purpose.
365-55-040	Application procedure.
365-55-050	Contract awards.
365-55-060	Reports and records.
365-55-070	Policy advisory council.
365-55-080	Termination.

NEW SECTION

WAC 365-55-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following terms, and phrases shall, for the purpose of this order, be given the meaning hereafter subjoined to them:

(2) "Agency" shall mean the Washington state planning and community affairs agency (PCAA);

(3) "Local applicant" shall mean a community action agency (CAA), a limited purpose agency; or a unit of general purpose local government which shall include all federally recognized Indian tribes located in the state of Washington;

(4) "Contract" shall mean the written agreement entered into by the applicant and the agency for the purpose of carrying out the weatherization program;

(5) "Contractor" shall mean any applicant accepted into the program under the terms and conditions of the program, that signs a contract of agreement to that effect with the agency;

(6) "Low income" means that income in relation to family size which (a) is at or below the poverty level determined in accordance with criteria established by the director of the office of management and budget, or (b) is the basis on which cash assistance payments have been paid during the preceding twelve month period under Titles IV and XVI of the Social Security Act or applicable state or local law;

(7) "Elderly person" means a person who is sixty years of age or older;

(8) "Handicapped person" means any individual (a) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (b) who is under disability as defined in section 1614 (a) (3) (A) or 223 (d) (1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act. or (c) who is receiving benefits under chapter 11 or 15 of Title 38, Unites States Code;

(9) "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient;

(10) "Weatherization materials" means items intended primarily to improve the heating or cooling efficiency of a dwelling unit including, but not limited to, ceiling, wall, floor, and duct insulation, vapor barriers, storm windows and doors, and caulking and weatherstripping, but not including mechanical equipment valued in excess of fifty dollars per dwelling unit;

(11) "Office of economic opportunity" designates a division of the planning and community affairs agency;

(12) "Policy advisory council" designates the state energy conservation weatherization advisory council established as required by federal regulations.

NEW SECTION

WAC 365-55-020 PROGRAM DESCRIPTION. (1) The U.S. department of energy (DE) pursuant to P.L. 94.385 and the community services administration (CSA) pursuant to P.L. 93-644 have provided grants to PCAA to weatherize thermally inefficient dwelling units of low income residents of the state of Washington. The federal legislation authorizing the funds gives priority to homes of the elderly and the handicapped.

(2) The program will be administered in the state by the agency, as designated by the governor.

(3) The office of economic opportunity will be responsible for coordinating, administering, monitoring, and publicizing the program and performing all other functions deemed necessary and appropriate.

(4) All questions regarding administration and operation of the program will be referred to the office of economic opportunity for resolution.

NEW SECTION

WAC 365-55-030 PROGRAM PURPOSE. (1) The purpose of the program is to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwellings of low-income persons, particularly elderly and handicapped low-income persons, in order both to aid those persons least able to afford higher energy costs and to conserve needed energy.

NEW SECTION

WAC 365-55-040 APPLICATION PROCEDURES. (1) To apply for funding under the program, the applicant shall submit an application to the office of economic opportunity which shall include at least the following information:

- (a) The name, address, and phone number of the applicant organization;
 - (b) The name of the person responsible for administering the weatherization program;
 - (c) The area to be served by the weatherization program;
 - (d) The type of weatherization work to be done;
 - (e) The number of dwelling units to be weatherized;
 - (f) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, federal and nonfederal;
 - (g) The number of rental dwelling units to be weatherized, if any;
 - (h) An estimate of the number of eligible dwelling units in which the low-income elderly reside;
 - (i) An estimate of the number of eligible dwelling units in which the low-income handicapped reside;
 - (j) The extent to which priority will be given to weatherization of single-family dwelling units for the elderly and handicapped;
 - (k) The proposed budget for funds applied for under this program;
 - (l) The amount of federal resources, if any, other than that requested in this application which will be used in the project.
 - (m) The amount of nonfederal resources to be applied to the program;
 - (n) Mechanisms for providing sources of labor; and
 - (o) Assurance of compliance with all applicable program requirements, procedures, preferences, and regulations.
- (2) Blank application forms will be provided by the office and may require information or certifications in addition to that shown above if required by federal statute, and regulations or applicable state law.
- (3) OEO recommends that a pre-application letter be written to OEO prior to formal filing of an application stating the intent of the applicant to request aid.

NEW SECTION

WAC 365-55-050 CONTRACT AWARDS. In accordance with the Washington state plan for weatherization assistance, funds available under this program will be granted to:

- (1) Community action agencies (CAAs) which have demonstrated their ability to carry out an effective weatherization and energy conservation program within a specific geographical area.
- (2) In areas where a current and effective program is being conducted by a non-CAA, preference for funds available under this program will be given to that program operator.
- (3) In areas where there is no energy conservation program being operated under the Economic Opportunity Act of 1964, Washington state OEO shall consult with units of general purposes local government and/or other current program operators to adopt a plan to provide service to the area. If an agreement is not reached under the procedure, applications by prospective contractors will be evaluated by the policy advisory council which will make its recommendation to the director.

(4) In case of Indian reservations, funds will be granted to the appropriate tribal nonprofit organization licensed by the state for affected native American populations if their application documents that the organization can effectively:

- (a) Provide necessary program administration, supervision, and required reporting;
- (b) Provide or obtain necessary technical expertise;
- (c) Secure the services of volunteers, CETA training participants and/or CETA public service employment workers.
- (5) If tribal authorities do not apply for funds or are not able to meet the requirements outlined above, funds reserved for the reservation shall be granted to the appropriate program operator for the geographical area with the following conditions in addition to those necessary for their nonreservation area:
 - (a) To the maximum extent possible and practicable, reservation representatives shall be included in both policy making and program administration which affects the native American population;
 - (b) Assurance will be provided that funds reserved for the reservation will be used to serve residences of low-income native Americans.
 - (c) A letter of endorsement from the tribal council shall accompany the application.
 - (6) Awards to successful applicants will be made by written contract. Such contract shall as a minimum detail:
 - (a) Responsibilities of the applicant and the agency;
 - (b) The term of the agreement;
 - (c) The funding involved and method of reimbursement;
 - (d) Reports and record keeping required;
 - (e) Other special conditions mutually agreeable to both parties.

NEW SECTION

WAC 365-55-060 REPORTS AND RECORDS. Each contractor receiving federal financial assistance under this program shall keep such records which fully disclose the amount and disposition of the funds received, the total cost of a weatherization project, the source and amount of funds for such project not supplied by OEO, and such other records as OEO deems necessary for an effective audit and performance evaluation. Project performance reports will be provided by the contractor as required by the OEO.

NEW SECTION

WAC 365-55-070 POLICY ADVISORY COUNCIL (1) A policy advisory council will be established according to federal law and regulation. The council will be known as the energy conservation weatherization advisory council. The council shall advise the director of the agency on the administration of the program.

(2) The council will also hear appeals relative to the allocation of program funds and will make appropriate recommendations to the director for disposition of such appeals.

NEW SECTION

WAC 365-55-080 TERMINATION. (1) If, through any cause, the contractor fails to fulfil in timely and proper manner its obligations under their contract, or if the contractor violates any of the covenants, agreements, or stipulations of this contract, the agency shall thereupon have the right to terminate the contract by giving written notice to the contractor of such termination and specifying the effective date thereof. Such notice must be given at least five days before the effective date of such termination. In that event, all finished or unfinished work, materials secured under this contract shall, at the option of the OEO, become OEO's property; the contractor shall be entitled to receive just and equitable reimbursement for expenses incurred in connection with any satisfactory work completed.

- (2) The OEO may terminate this contract without recourse if any of the following conditions occur:
 - (a) State or federal funds are not allocated for the purpose of meeting the state agencies' obligations hereunder; and
 - (b) The authorization to spend such funds is rescinded or revoked, or such funds are otherwise made available

The OEO shall provide written notice of such termination to the contractor at least five days prior to the effective date thereof.

WSR 78-02-105
NOTICE OF PUBLIC MEETINGS
OFFICE OF COMMUNITY DEVELOPMENT
 (Planning and Community Affairs Agency)
 [Memorandum, Deputy Director, Feb. 1, 1978]

Community Services/Continuing Education Council (Title I Higher Education Act)

The Community Services/Continuing Education Council meets quarterly. The next scheduled meeting will be held on March 30 and 31, 1978, at the Mayflower Park Hotel, 4th and Olive, Seattle, Washington. Schedule of additional meetings is yet to be determined. For further information contact Doris Coates, Local Government Services Division, Office of Community Development, Olympia, Washington 98504, (206) 753-4940.

Energy Conservation and Weatherization Advisory Committee

The Energy Conservation and Weatherization Advisory Committee meets monthly at the discretion of the Committee. Meeting schedule to be determined. For further information contact Priscilla Cates, Office of Economic Opportunity, Office of Community Development, Olympia, Washington 98504, (206) 753-4931.

Governor's Committee on Law and Justice

The Governor's Committee on Law and Justice holds regular bimonthly meetings on the third Wednesday of the month. Additional meetings may be called by the Chairman or upon request of any three members of the Committee. Scheduled meetings are:

- February 15, 1978 1:30 p.m., Sea-Tac Holiday Inn, Room 727/737
- April 19, 1978 1:30 p.m., Sea-Tac Travel Lodge, Room A/B

Additional meetings are to be determined. For further information contact Carol Noel, Law and Justice Planning Division, Office of Community Development, Olympia, Washington 98504, (206) 753-2235.

Employment Development Services Council

The Employment Development Services Council holds regular meetings at least once per quarter. Additional meetings may be called by the Chairman or at the written request of at least one-third of the members. The next scheduled meeting is February 16, 1978, time and location to be determined. Additional meetings are not yet scheduled. For further information contact Ruth Keen, Employment and Training Division, Office of Community Development, Olympia, Washington 98504, (206) 754-1005.

Head Start Advisory Council

The Head Start Advisory Council meets quarterly. The next meeting will be held on March 9 and 10, 1978, at the Hyatt House, 17001 Pacific Highway South, Seattle, Washington, beginning at 9 a.m. Additional meetings have not yet been scheduled. For further information contact Juanita Davis, Office of Economic Opportunity,

Office of Community Development, Olympia, Washington 98504, (206) 753-4454.

WSR 78-02-106
PROPOSED RULES
COMMISSION ON EQUIPMENT
 [Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Commission on Equipment intends to adopt, amend, or repeal rules concerning amending WAC 204-66-080, Processing of Application, for a tow truck application. The applicant should be provided the opportunity to appear before the Commission on Equipment when his application for a towing business for the Washington State Patrol has been recommended by the tow truck inspector and district commander for denial;

that such agency will at 1:30 p.m., Friday, March 17, 1978, in the large conference room, first floor, General Administration Building, Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, March 17, 1978, in the large conference room, first floor, General Administration Building, Olympia.

The authority under which these rules are proposed is Substitute House Bill 228, chapter 167, Laws of 1977.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1978 and/or orally at 1:30 p.m., Friday, March 17, 1978, large conference room, first floor, General Administration Building, Olympia.

Dated: January 31, 1978

By: M. J. Obert

Secretary, Commission on Equipment

Chapter 204-66 WAC
 TOWING BUSINESSES

WAC
 204-66-080

AMENDATORY SECTION (Amending Order 7720 filed 10/14/77)

WAC 204-66-080 PROCESSING OF APPLICATION. Every application for authorization to provide a towing service at the request of the Patrol, following inspection and certification pursuant to this regulation, will be referred to the Commission (~~at its next meeting~~). If the Commission finds that the requirements of this regulation have been or will be satisfied by the applicant and that the applicant is otherwise qualified, or that standards have been waived, the Commission shall issue an appropriate letter of appointment. If the Commission shall find that the applicant does not or will not meet the requirements of this regulation or is not qualified regardless of waiver, then the Commission shall deny such application and shall so notify the applicant of its decision, stating the reasons therefore in writing. If a letter of appointment is granted, the Commission will notify the applicant in writing and notify the Patrol directing them to use the services of the applicant in accordance with this regulation.

If the district commander of the Washington State Patrol district concerned recommends denial of a business application for authorization to provide a towing service for the Patrol, the Secretary to the Commission on Equipment shall notify the applicant and the district commander that the applicant and the district commander, or his designee, have the right to appear before the Commission on Equipment

when the application is to be considered to show cause why the application should or should not be approved.

WSR 78-02-107
NOTICE OF PUBLIC MEETINGS
OCEANOGRAPHIC COMMISSION
[Memorandum, Jan. 31, 1978]

The Oceanographic Commission of Washington and the Oceanographic Institute of Washington will hold a joint public meeting at 10 a.m. Wednesday, February 22, at the Tacoma Yacht Club, Tacoma. The interim report on the study "Liquefied Natural Gas and Liquefied Petroleum Hazards Management in Washington," authorized by ESB 3015 enacted by the 45th Legislature, will be presented for the Commission's approval. Public testimony on the study will be accepted. The Commission also will consider resolutions concerning the National Oceanic and Atmospheric Administration's regional headquarters at Sand Point, Seattle. Further information is available from the Oceanographic Commission of Washington, 312 First Ave. N., Seattle, WA 98109; phone (206) 464-6272.

WSR 78-02-108
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-248]

IN THE MATTER OF THE ADOPTION
OF GENERAL RULE 6 NO. 25700-A-248
ORDER

The Court, having considered General Rule 6 and having determined that General Rule 6 will aid in the administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That General Rule 6 is adopted as attached herewith.

(b) That the rule shall become effective January 30, 1978.

(c) That the rule shall be published expeditiously in the Washington Reports.

DATED at Olympia, Washington, this 30th day of January, 1978.

	Charles T. Wright
Hugh J. Rosellini	Robert F. Brachtenbach
Orris L. Hamilton	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Robert F. Utter	Floyd V. Hicks

RULE 6

SESSIONS OF COURT

(a) Sessions of the Supreme Court shall be held in accordance with SAR 4.

(b) Sessions of the Court Of Appeals shall be held in accordance with CAR 4.

(c) Sessions of the superior courts shall be held in accordance with CR 77(f).

WSR 79-02-109
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-249]

IN THE MATTER OF THE AMENDMENT
OF SUPREME COURT ADMINISTRATIVE
RULE 12 (SAR 12) No. 25700-A-249 ORDER

The Court, having considered amendments to Supreme Court Administrative Rule 12 (SAR 12) and having determined that the amendment thereto is necessary for the preservation of court security; Now, therefore, it is hereby

ORDERED:

(a) That the amendment to Supreme Court Administrative Rule 12 as attached herewith is adopted.

(b) That the rule shall become effective January 30, 1978.

(c) That the rule shall be published expeditiously in the Washington Reports.

DATED at Olympia, Washington, this 30th day of January, 1978.

	Charles T. Wright
Hugh J. Rosellini	Robert F. Brachtenbach
Orris L. Hamilton	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Robert F. Utter	Floyd V. Hicks

RULE 12

ACTS IN CONTEMPT OF COURT

It shall be contempt of this court for anyone to divulge to others than the justices and employees of this court working upon an opinion, the results of any appeal or the identity of the assignment justice prior to the time the opinion is filed by the clerk of the Supreme Court.

WSR 78-02-110
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-250]

IN THE MATTER OF THE ADOPTION
OF AMENDMENTS TO COURT OF APPEALS

ADMINISTRATIVE RULES 4, 8, 16 AND 23 (CAR 4, 8, 16 AND 23) NO. 25700-A-250 ORDER

The Court, having considered proposed amendments to Court of Appeals Administrative Rules 4, 8, 16 and 23 (CAR 4, 8, 16 and 23) and having concluded that the proposed amendments will aid in the prompt and orderly administrative of justice; Now, therefore, it is hereby

ORDERED:

(a) That Court of Appeals Administrative Rules 4, 8, 16 and 23 (CAR 4, 8, 16 and 23) are amended as attached herewith.

(b) That the amendments shall become effective January 30, 1978.

(c) That the amendments will be published expeditiously in the Washington Reports.

DATED at Olympia, Washington, this 30th day of January, 1978.

Charles T. Wright

Hugh J. Rosellini

Robert F. Brachtenbach

Orris L. Hamilton

Charles Horowitz

Charles F. Stafford

James M. Dolliver

Robert F. Utter

Floyd V. Hicks

**RULE 4
SESSIONS**

The regular sessions of each division of the Court of Appeals shall be held at the headquarters, and, by orders of the chief judge of the division, at such other locations as authorized by statute. Pursuant to Ch. 221 of the Laws of 1969, First Extraordinary Session, the first division shall have its headquarters in Seattle; the second division shall have its headquarters in Tacoma; and the third division shall have its headquarters in Spokane. Conferences and ceremonial sessions may be held at any location within the geographical boundaries of any division by order of its chief judge.

**RULE 8
CHIEF JUDGE**

The judges of each division will select its chief judge. Generally the judge of each division having the shortest term to serve not holding his office by appointment or election to fill a vacancy shall be the chief judge and in case there shall be two judges having the same short term, the other judges of the division shall determine which of them shall be chief judge. In a division having more than four judges, the chief judge shall assign the judges to panels.

**RULE 16
COURT PERSONNEL**

The Court of Appeals shall have such personnel as are authorized by supreme court rule. The personnel will be

appointed by and serve at the pleasure of the division of the court to which they report.

(a) Clerk's Office. Each division shall have a clerk and such other personnel for the operation of the office as are authorized by the Supreme Court. Before undertaking his duties, the clerk shall file with the Secretary of State an oath of office.

(b) Law Clerks and Secretaries. Each judge and chief judge is entitled to not less than one law clerk and one secretary.

RULE 23

ADMINISTRATOR FOR THE COURTS

(a) Fiscal Services. Fiscal services for the Court of Appeals shall be provided by the court administrator.

(b) Budgetary Planning. Each division shall submit to the court administrator a proposed budget at such time and in such form as the court administrator shall request. The court administrator shall, with the advice and assistance of at least one judge from each of the divisions, prepare a proposed budget for the Court of Appeals.

(c) Statistics. The administrator for the courts, under the supervision of the Supreme Court and the Chief Justice, shall collect and compile statistical and other data reflecting the state of the dockets and any need for judicial assistance, and shall make reports of the business transacted by the Court of Appeals. The clerks of the Court of Appeals and all other officers and employees of the court shall comply with all requests made by the court administrator, after approval by the Chief Justice, for information and statistical data bearing upon the business transacted and the judicial accomplishments of that court.

(d) Bond. The administrator for the courts shall obtain public employee faithful performance bond coverage for all court employees.

**WSR 78-02-111
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed Feb. 1, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Department of Fisheries intends to adopt, amend, or repeal rules concerning proposed changes in commercial fishing of marine fish in Coastal waters and Puget Sound dogfish set nets;

that such agency will at 10:00 a.m., Friday, March 10, 1978, in the Large Conference Room of the General Administration Bldg., Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, March 17, 1978, in the Small Conference Room, General Administration Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1978 and/or orally at 10:00 a.m., Friday, March 10, 1978, Large Conference Room, General Administration Bldg., Olympia, WA.

Dated: February 1, 1978

By: Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-44-020 SEASONS. (1) It shall be lawful to possess for commercial purposes sockeye salmon taken lawfully by treaty Indians from the Quinault and Ozette Rivers.

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

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

(4) It shall be unlawful to take, fish for or possess smelt taken for commercial purposes with purse seine, drag seine, or gill net gear from Marine Fish-Shellfish Management and Catch Reporting Areas 57, 58, 59, and 60A, except as provided in subsections (1) and (4).

(5) It shall be lawful to take, fish for and possess smelt taken for commercial purposes by hand net gear in Marine Fish-Shellfish Management and Catch Reporting Areas 59 and 60A except during weekly closed periods extending from 8:00 a.m. Friday to 8:00 a.m. Sunday.

(6) It shall be lawful to take, fish for and possess for commercial purposes (~~any species of food fish except salmon and smelt~~) sturgeon, shad, herring, candlefish, anchovies and pilchards taken in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58, 59, and 60A with any lawful commercial fishing gear.

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

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

NEW SECTION

WAC 220-44-030 COASTAL BOTTOMFISH GEAR (1) It shall be unlawful to take, fish for or possess bottomfish for commercial purposes in coastal waters with any gear except as follows:

- (a) Otter trawl and beam trawl.
- (b) Set lines having not more than 500 hooks per line.
- (c) Hand lines and jigger gear having not more than three hooks.
- (d) Troll lines.
- (e) Bottomfish pots.

(2) In fishing with hand line or jigger gear, it shall be unlawful to use more than two lines at any one time. In fishing with set lines, it shall be unlawful to use more than three lines.

(3) It shall be unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5).

(4) It shall be unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, WAC 220-52-063, WAC 220-52-066, WAC 220-52-069, and WAC 220-52-071.

(5) It shall be unlawful to take or fish for bottomfish with troll line gear capable of taking salmon in any coastal waters during such times that it is unlawful to take or fish for salmon for commercial purposes with troll line gear, provided; it shall be lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.

NEW SECTION

WAC 220-44-040 COASTAL BOTTOMFISH SEASONS (1) It shall be lawful to take, fish for and possess for commercial purposes

bottomfish in coastal waters taken with gear described in WAC 220-44-030 all year in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58, 59, and 60A.

AMENDATORY SECTION (Amending Order 77-147, filed 12/16/77)

WAC 220-48-080 PUGET SOUND BOTTOMFISH GEAR (1) It shall be unlawful to fish for bottomfish for commercial purposes in Puget Sound with any gear except as follows:

- (a) Otter trawl and beam trawl.
- (b) Set lines having not more than 500 hooks per line.
- (c) Hand lines and jigger gear having not more than three hooks.
- (d) Troll lines.
- (e) Drag seines not longer than 350 feet in length or containing meshes less than 1/2-inch stretch measure.
- (f) Bottomfish pots.
- (g) Set nets.

(2) In fishing with hand line or jigger gear, it shall be unlawful to use more than two lines at any one time. In fishing with set lines, it shall be unlawful to use more than three lines.

(3) It shall be unlawful for the operator of set nets and set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5), and set nets shall be so marked at both ends of the net. Set nets shall have tags, issued by the Department of Fisheries, affixed to both buoys of each set net.

(4) It shall be unlawful to return any dogfish or ratfish to the water of that portion of Puget Sound Marine Fish-Shellfish Area 25A (Discovery Bay) southerly of a line projected from Diamond Point to Cape George, which were taken by commercial bottomfish gear.

(5) It shall be unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(6) It shall be unlawful to take or fish for bottomfish with troll line gear capable of taking salmon in any waters of Puget Sound during such times that it is unlawful to take or fish for salmon for commercial purposes with troll line gear, provided; it shall be lawful to retain for commercial purposes (~~any species of~~) bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery(~~(:)~~), except lingcod during closures provided in WAC 220-48-098.

(7) It shall be unlawful to use or operate otter trawl or beam trawl gear having mesh size in the codend section less than 4-1/2 inches in the waters of Puget Sound, unless otherwise provided.

(8) Subsection (7) above shall be in effect for Marine fish-shellfish Areas 27A, 27B, and 27C, December 1, 1977, and in effect for all other Marine Fish-Shellfish Areas in Puget Sound January 1, 1979.

(9) It shall be lawful to use or operate otter trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Areas 28A, 28B, 28C, and 28D, during the season provided in WAC 220-48-090(4).

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

AMENDATORY SECTION (Amending Order 77-147, filed 12/16/77)

WAC 220-48-096 SET NET—DOGFISH—SEASONS It shall be lawful to take, fish for or possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Areas during the seasons provided hereinafter in each respective area:

Areas 20A and 20B - November 1 through June 15

Areas 21A - March 1 through April 15

Areas 21B, 22A (~~and~~) 22B, and that portion of 26A southerly and westerly of a line projected between the ferry dock at Clinton and the ferry dock at Mukilteo, are closed the entire year.

All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open the entire year.

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

NEW SECTION

WAC 220-48-098 LINGCOD—SEASONS (1) It shall be unlawful to take or possess lingcod with any gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and that portion of Area 25B south of a line from Liplip Point to Bush Point, Whidbey Island.

(2) It shall be unlawful to take or possess lingcod with any gear from December 1 through March 31 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23, 25A, and that portion of 25B north of a line from Liplip Point to Bush Point, Whidbey Island.

WSR 78-02-112
EMERGENCY RULES
Department of Fisheries
 [Order 78-6—Filed Feb. 1, 1978]

I, Gordon Sandison, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of 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 substantial numbers of lingcod are being taken in dogfish setnets in this area. Lingcod stocks have been declining in Puget Sound. This regulation is necessary to preserve the lingcod stocks.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 31, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-48-09600A SETNET—DOG-FISH—SEASONS *Notwithstanding the provisions of WAC 220-48-096, effective February 3, 1978, it shall be unlawful to take, fish for or possess food fish or shellfish for commercial purposes taken with dogfish setnet gear in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A southerly and westerly of a line projected between the ferry dock at Clinton and the ferry dock at Mukilteo.*

WSR 78-02-113
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning new regulations to consider assessment fees based on seed sales for the purpose of financing a state seed enforcement program in lieu of a federal program;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, March 31, 1978, in the Director's Office, Department of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 3/31/78.

This notice is connected to and continues the matter noticed in Notice Nos. 7873 and 7939 filed with the code reviser's office on 11/16/77 & 12/21/77.

Dated: February 1, 1978

By: Norval G. Johanson
 Assistant Supervisor

WSR 78-02-114
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW that the Department of Agriculture intends to adopt, amend, or repeal rules concerning WAC 16-230-250, 16-230-260, 16-230-270, 16-230-280, and 16-230-290 pertaining to regulations restricting the use of microencapsulated methyl parathion.

that such agency will at 10:00 a.m., Monday, March 13, 1978, in the Conference Rooms A & B, Yakima County Court House, Yakima, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, March 17, 1978, in the Director's Office, Department of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 13, 1978, and/or orally at 10:00 a.m., Monday, March 13, 1978, Conference Rooms A & B, Yakima County Court House, Yakima, Washington.

Dated: February 1, 1978

By: Norval G. Johanson
 Assistant Supervisor

NEW SECTION

WAC 16-230-250 AREA UNDER ORDER. This order will be in effect in all counties of the State of Washington.

NEW SECTION

WAC 16-230-260 DEFINITIONS. (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: PROVIDED, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 per cent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

NEW SECTION

WAC 16-230-270 RESTRICTIONS—EXEMPTIONS. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: PROVIDED, That (1) Winter applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on wheat for green bug control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon.

(3) The use of microencapsulated methyl parathion shall be allowed (using label restriction) after 30 days from full bloom on all designated orchard areas in the upper Yakima Valley located north of the Union Gap, all orchards in the Wenatchee, Cashmere and Leavenworth areas, and designated areas from the Wenatchee area to the Canadian border: PROVIDED, That users must obtain a written recommendation from a licensed consultant for this use of microencapsulated methyl parathion. The recommendation shall also state that the consultant has reviewed with the user the registered label precautions concerning bee hazards. Pesticide dealers shall not sell microencapsulated methyl parathion to any user in this area unless the written recommendation is presented.

NEW SECTION

WAC 16-230-280 FOUR-MILE RADIUS. The application of microencapsulated methyl parathion shall be prohibited on all blossoming crops when alfalfa leaf cutting bee nest structures, alkali bee beds, or properly marked honey bee apiaries occur within a four-mile radius of the blossoming crop to be treated; PROVIDED, That all designated orchard areas shall be excluded from this requirement; and PROVIDED FURTHER, That users must obtain a written recommendation from a licensed consultant for this use of microencapsulated methyl parathion. The recommendation shall also state that the consultant has reviewed with the user the registered label precautions concerning bee hazards. Pesticide dealers shall not sell microencapsulated methyl parathion to any user in this area unless the written recommendation is presented.

NEW SECTION

WAC 16-230-290 DISTRIBUTION. Microencapsulated methyl parathion in any formulation shall be distributed only by licensed pesticide dealers to licensed or certified applicators or those persons possessing a current user permit or their authorized representative. This pesticide shall be used or applied only by licensed or certified applicators or by persons possessing a current user permit or by persons under their direct supervision (refer to WAC 16-228-165 for user permit requirements).

WSR 78-02-115
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
[Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Board of Medical Examiners intends to adopt, amend, or repeal rules concerning physicians' assistants; examination scores; examinations accepted for reciprocity or waiver; failure in more than one subject. (A copy of said rules is attached, but the board reserves the right to adopt any rules consistent with the subject matter herein.)

that such agency will at 7:00 p.m., Friday, March 10, 1978, in the Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Friday, March 10, 1978, in the Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.71.017 & 18.71A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1978, and/or orally at 7:00 p.m., Friday, March 10, 1978, Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: February 1, 1978
By: Joanne Redmond
Assistant Administrator

NEW SECTION

WAC 308-52-136 PHYSICIANS' ASSISTANTS—SCOPE OF JURISDICTION. Chapter 18.71A defines a physician's assistant as "... a person who is enrolled in, or has satisfactorily completed, a board approved program to prepare persons to practice medicine to a limited extent." The board will consider as falling within its jurisdiction all individuals who meet the above requirement, who assume responsibility for direct patient care involving patient contact and who are not registered, certified or licensed by another agency of the state.

NEW SECTION

WAC 308-52-137 PHYSICIANS' ASSISTANTS—CLASSIFICATION. Physicians' assistants will be classified as type A, B or C according to the following descriptions:

(1) Type A, Assistant to the Primary Physician. The type A assistant is capable of collecting historical and physical data, organizing the data, and presenting them in such a way that the physician can visualize the medical problem and determine appropriate diagnostic or therapeutic measures. He is also capable of assisting the physician by performing diagnostic and therapeutic procedures and coordinating the roles of other more technical assistants. While he functions under the

general supervision and responsibility of the physician, he may under certain circumstances and under defined rules, perform without the immediate surveillance of the physician. He is, thus, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge to exercise a degree of independent judgment.

(2) Type B, Assistant to the Specialist. The type B assistant, while not equipped with general knowledge and skills relative to the whole range of medical care, possesses exceptional skill in one clinical specialty. He is capable of collecting and organizing data and performing appropriate diagnostic or therapeutic measures pertaining to his specialty. In his specialty he has a degree of skill beyond that normally possessed by a type A assistant. Because his knowledge and skill are limited to a particular specialty, he is qualified for independent action only within the field of that specialty.

(3) Type C, Technical Assistant. The type C assistant is capable of performing a specific function within a given field or specialty. He cannot operate over the broad range of medical care as would the type A assistant or within an entire specialty as would the type B assistant. He cannot exercise the degree of independent synthesis and judgment of which type A and B assistants are capable but may exercise a degree of independent judgment and may be capable of a degree of independent action within the limited scope of his activities.

NEW SECTION

WAC 308-52-138 PHYSICIANS' ASSISTANTS—PROGRAM APPROVAL. No physician shall be entitled to register a physician's assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physicians' assistants shall be judged. If the council of medical education of the American medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physicians' assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates according to the classification system defined in WAC 308-52-137. Programs training type B and type C assistants shall be subdivided according to the specialty for which the physician's assistant is trained.

(c) Reapproval. Each approved program will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

NEW SECTION

WAC 308-52-139 PHYSICIANS' ASSISTANTS—REGISTRATION. (1) Classification. Each physician's assistant will be classified as type A, B or C, depending upon his training. Type B and type C assistants will be subdivided according to specialty or function.

(2) Registration Procedure. All applications shall be made to the board on forms supplied by the board. Applications shall be submitted thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and the assistant.

(3) Registration Renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration by January 1 of each year. Application for renewal shall be submitted on forms provided by the board. A current statement of utilization, skills and supervision shall be included in the application. Registration renewals will be issued as of March 1 of each year.

(4) Change of Registration. In the event that a physician's assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively with

the approval of the chairman of the board, providing that the new physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the continuing competence of the physician's assistant. This action shall be subject to approval by the board as a whole at its next regular meeting. Application for transfer of registration shall be made on forms provided by the board and may be considered at any regular meeting of the board.

(5) Utilization Plan. The application for registration of a physician's assistant must include a detailed plan describing the manner in which the physician's assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the assistant based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. No assistant shall be registered to perform tasks not contained in the program approval unless evidence satisfactory to the board is submitted demonstrating that he has been trained in that function and his competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board.

NEW SECTION

WAC 308-52-140 PHYSICIANS' ASSISTANTS—UTILIZATION. (1) Limitations, Number.

(a) No physician shall supervise more than one graduate physician's assistant categorized as type A or type B without authorization by the board.

(b) The number of type C physicians' assistants who may be supervised by a single physician shall be set individually for each category established by the board.

(2) Limitations, Geographic.

(a) No physician's assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his patients are hospitalized or the homes of patients for whom a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a type A physician's assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his physician's assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician's assistant.

(iv) The responsible physician spends at least one-half day per week in the remote office.

(v) The provisions of WAC 308-52-141(2) are met.

(3) Limitations, Hospital Functions. A physician's assistant working in or for a hospital, clinic or other health organization shall be registered and supervised by a supervising physician in the same manner as any other physician's assistant and his functions shall be limited to those specifically approved by the board. His responsibilities, if any, to other physicians must be defined in the application for registration.

(4) Limitations, Trainees. An individual enrolled in a training program for physicians' assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

NEW SECTION

WAC 308-52-141 PHYSICIANS' ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN. It shall be the responsibility of the supervising physician to insure that:

(1) The best interests of his patients are served by the utilization of a physician's assistant.

(2) Adequate supervision and review of the work of the physician's assistant is provided.

(a) The supervising physician shall review at least weekly all patient care provided by the physician's assistant if such care is rendered without direct consultation with the physician and shall countersign all notes made by the physician's assistant.

(b) In the temporary absence of the supervising physician, the physician's assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician's assistant may not function as such if these supervisory and review functions are impossible.

(3) The physician's assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician's assistant.

(4) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

(5) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician's assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him.

NEW SECTION

WAC 308-52-142 PHYSICIANS' ASSISTANTS—REGISTRATION FEE. The fee for an initial registration or transfer of registration shall be fifty dollars, to be paid by the physician.

NEW SECTION

WAC 308-52-143 PHYSICIANS' ASSISTANTS—REREGISTRATION FEE. The fee for reregistration shall be ten dollars which shall be paid by the supervising physician at the time of submission of the renewal form. Failure to reregister and pay the renewal fee shall render the registration invalid, but registration may be reinstated by payment of a penalty fee of twenty-five dollars together with all delinquent annual registration fees.

NEW SECTION

WAC 308-52-144 PHYSICIANS' ASSISTANTS—SIMULTANEOUS REGISTRATION OF TYPE C ASSISTANTS. Type C physicians' assistants, because of the nature of their services, may request approval for simultaneous registration with more than one physician. Such requests shall be submitted in the form of a letter attached to the application, but a separate utilization plan shall be submitted by each physician. A single registration fee shall cover such applications except that additional registrations requested after submission of the original applications shall require a reregistration fee (ten dollars).

AMENDATORY SECTION (Order PL 240, filed 2/19/76)

WAC 308-52-260 EXAMINATION SCORES. (1) Examinations given by the Washington state board of medical examiners.

~~((a) Passing score for individual subjects. The minimal passing score for each subject included in the examination shall be seventy percent.~~

~~(b) Aggregate score. The average of all scores attained in the subjects included in each part (or day) of the examination shall be at least seventy-five percent.))~~

(a) The board adopts the examination of the federation of state licensing boards as the examination given by the board.

(b) The minimal passing scores for the FLEX examination shall be a FLEX weighted average of seventy-five percent.

(2) Credit for years of active practice. The board may allow five points credit for each subject included in the examination if the applicant can demonstrate that he has been engaged in the active practice of medicine for ten or more years immediately preceding his examination. Periods of time spent in the first year of residency training or administrative positions shall not be included in computing such years of practice. Such credit shall be applied only to individual test scores and shall not be applied to the aggregate score for the various parts (days) of the examination.

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 (Order PL 268, filed 5/6/77)

WAC 308-52-270 EXAMINATIONS ACCEPTED FOR RECIPROCIITY OR WAIVER. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. In addition, the board may accept the examinations given by the medical council of Canada (LMCC) as a basis for reciprocity for days II and III of the Washington examination. ~~((The rules established for passing scores for the examinations given by the Washington state board of medical examiners shall be applied to the scores attained on all examinations so accepted.))~~ The minimum passing score will depend upon the quality of the examination using the FLEX examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners may be granted a license without examination: PROVIDED, That the applicant has not previously failed to pass an examination held in this state.

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

REPEALER

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

- (1) WAC 308-52-050 FAILURE IN MORE THAN ONE SUBJECT.
- (2) WAC 308-53-130 PHYSICIANS' ASSISTANTS.

WSR 78-02-116

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed Feb. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.40.120(11) that The Evergreen State College intends to adopt, amend, or repeal rules concerning regular & special meetings of the Board of Trustees (contained in bylaws for the Board of Trustees) (change in time/alternate meeting date in case of holiday);

that such agency will at 11:00 a.m., Thursday, March 16, 1978, in the Board of Trustees Room 3112, Library Bldg., The Evergreen State College campus, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, March 16, 1978, in the Board of Trustees Room 3122, Library Bldg., The Evergreen State College campus.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 9, 1978 and/or orally at 11:00 a.m., Thursday, March 16, 1978, Board of Trustees Room 3112, Library Bldg., The Evergreen State College campus.

Dated: January 31, 1978

By: Daniel J. Evans
President

AMENDATORY SECTION (Amending Order 72-3, filed 10/27/72)

WAC 174-104-010 REGULAR MEETINGS. A regular meeting of the Board of Trustees shall be held once each month unless dispensed with by the Board of Trustees, on the campus of The Evergreen State College beginning at ((10:00)) 10:30 A.M. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the ((Wednesday)) Friday immediately ((preceding)) following such second Thursday.

employees of the state and for work performed by its subcontractor in rendering necessary services in ascertaining the qualifications of educational institutions to furnish courses of education under the provisions of the law.

- 3. That, that certain order issued on April 22, 1966, by Governor Daniel J. Evans be and ^{to} the same is hereby rescinded and revoked.

WSR 78-02-117
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 78-2]

DESIGNATING THE COUNCIL FOR
POSTSECONDARY EDUCATION
AS THE APPROVAL AGENCY FOR THE STATE
OF WASHINGTON
FOR ACADEMIC SCHOOLS, COLLEGES AND
UNIVERSITIES, BOTH PUBLIC AND
PRIVATE PURSUANT TO PUBLIC LAW 89-358,
ENTITLED THE VETERANS
READJUSTMENT BENEFITS ACT OF 1966

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
27th day of January, A.D.,
1978.

DIXY LEE RAY
Governor of Washington

WHEREAS, on April 22, 1966 the State Board of Education was designated by Governor Daniel J. Evans as the "approval agency" for the State of Washington to "approve all academic schools, colleges and universities, both public and private" for veterans training; and

BY THE GOVERNOR:

Bruce K. Chapman
Secretary of State

WHEREAS, in the interim since 1966 other agencies have been created and assigned certain responsibilities for postsecondary education; and

WHEREAS, the State Board of Education by resolution adopted August 26, 1977, has requested that the Governor of the State of Washington relieve the State Board of Education of this responsibility and appoint an appropriate agency to perform this function; PROVIDED, that the approval function for high school graduation programs in institutions of higher education continue to be the responsibility of the State Board of Education;

NOW, THEREFORE, as Governor of the State of Washington and by the powers vested in me by RCW 43.06.010(1), I do hereby order and direct as follows:

- 1. That the Washington State Council for Postsecondary Education be hereby designated as the State Approving Agency for academic schools, colleges and universities, both public and private pursuant to Public Law 89-358; PROVIDED, that the approval function for high school graduation programs in institutions of higher education continue to be the responsibility of the State Board of Education;
- 2. That the Council for Postsecondary Education is hereby authorized to enter into a contract with the United States of America for reimbursement by the Veterans Administration for reasonable and necessary expenses of salary and travel incurred by

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