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CITATION

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

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1978—1979
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)
78-07	Jul 19	Aug 8	Jul 5	Jun 21	Jun 7
78-08	Aug 16	Sep 5	Aug 2	Jul 19	Jul 5
78-09	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
79-01	Jan 17	Feb 6	Jan 3	Dec 20, 1978	Dec 6, 1978
79-02	Feb 21	Mar 13	Feb 7	Jan 24	Jan 10
79-03	Mar 21	Apr 10	Mar 7	Feb 21	Feb 7
79-04	Apr 18	May 8	Apr 4	Mar 21	Mar 7
79-05	May 16	Jun 5	May 2	Apr 18	Apr 14
79-06	Jun 20	Jul 10	Jun 6	May 23	May 9

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.

WSR 78-06-110
PROPOSED RULES
COMMISSION FOR VOCATIONAL EDUCATION
 [Filed June 6, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission for Vocational Education intends to adopt, amend, or repeal rules concerning revision of chapters 490-04A through 490-76A WAC, containing the rules and regulations for vocational education previously adopted by the Commission for Vocational Education.

Also being proposed are new sections 490-77 through 490-97;

that such agency will at 9:30 a.m., Wednesday, August 23, 1978, in the Central Washington University, Ellensburg, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, September 28, 1978, in the Auditorium, Office Building #2 (Social and Health Services), Olympia, WA.

The authority under which these rules are proposed is chapter 28C.04A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1978, and/or orally at 9:30 a.m., Wednesday, August 23, 1978, Central Washington University, Ellensburg, WA.

Dated: June 5, 1978

By: Homer J. Halverson
 Executive Director

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/78)

WAC 490-04A-010 AUTHORITY AND DESIGNATION OF STATE BOARD. (1) The Washington State Commission for Vocational Education shall be responsible for complying with Federal directives to ensure the development and maintenance of a State Plan for Vocational Education, but the initial planning shall be accomplished by the secondary and postsecondary education system. Prior to the adoption of the State Plan, the Commission shall request comments from the Council on Postsecondary Education (1202 Commission) and the Advisory Council for Vocational Education. The Commission is the sole agency for the receipt and allocation of Federal funds in accordance with the State Plan. The Commission shall be the primary state liaison with the Federal government for the State Plan for Vocational Education. The Commission is further authorized to take whatever action is necessary to ensure compliance with Federal vocational education enactments and State legislative and administrative directives concerning vocational education. The supervision of the State Plan shall be carried out by the Commission; however, daily administration of the State Plan shall be the responsibility of the Superintendent of Public Instruction and the State Board for Community College Education. In addition, the Commission is responsible to administer or supervise the administration of the State Plan in any other public or nonpublic agency within the State that is subject to the administrative authority of the State Plan and the provisions of this chapter.

(2) Throughout this chapter, any reference to the Commission for Vocational Education, hereinafter referred to as the Commission specifically refers to the State Board defined and designated in conformance with Title 20, U.S.C. and Title 45, Chapter 1, Part 102 C.F.R. and P.L. ((90-576, Sec. 108(8) and 123(a)(2) and C.F.R. 102.32(a) and (b))) 94-482, Sec. 104(a)(1) and Chapter 174, Laws of 1975, 1st ex. sess.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-04A-040 DESIGNATION OF EXECUTIVE OFFICER. (1) The Commission, in accordance with Section 10 of Chapter

174, Laws of 1975, 1st ex. sess., shall employ a full-time Executive Director and such other personnel as may be necessary to carry out its purposes.

(2) The Executive Director shall be appointed by the Commission and serve at its pleasure, such appointment giving due regard to his fitness and background in vocational education and his knowledge of and recent practical experience in the field of vocational education administration.

(3) The Executive Director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business or have any substantial duties outside of the vocational education program. He shall have no direct pecuniary interest in or any stocks, bonds, or other holdings in any business selling supplies in the educational field in the State or that is a proprietary vocational school as defined under State statute.

(4) The Executive Director, under the Commission's supervision, shall be in charge of the offices of the Commission and responsible for the Commission's staff. He shall, subject to the Commission's approval and consistent with chapter 41.06 RCW, the State's Civil Service Law, appoint such field and office personnel, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the Commission.

(5) The Executive Director, or his designee, shall attend all meetings of the Commission and shall serve as Secretary to the Commission thereat, recording and maintaining on file the proceedings of all meetings and appropriate registers of the Commission's resolutions and adopted orders. He shall serve as liaison officer between the Commission and other Federal, State, regional, and other governmental and educational agencies, the Congress, State Legislature, and the Federal and State Executive Branches of government, in all matters pertaining to the Commission's responsibilities.

(6) The Commission may, by resolution, delegate to the Executive Director those functions it deems necessary to the operation of the Commission. [P.L. ((90-576)) 94-482, ((and C.F.R. 102.32(a))) and Chapter 174, Laws of 1975, 1st ex. sess.]

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-04A-050 ADMINISTRATIVE STRUCTURE OF THE COMMISSION FOR VOCATIONAL EDUCATION. The Vocational Education Staff of the Commission for Vocational Education is divided into an executive office and ((four)) three major divisions. These ((four)) three divisions are ((Planning, Evaluation and Research, Program Development, Leadership Development, and Administrative Services and Special Programs.)) Planning and Auditing, Research Coordinating Unit and Administration. (1) The functions of each division are as follows:

(a) ((Planning, Evaluation and Research.)) Planning and Auditing. The primary purpose of this division is to assure that quality vocational education is meeting the needs of the State of Washington.

This is accomplished by providing forecasts of the statewide vocational education needs and employment opportunities; by managing statewide interagency planning (goals, objectives, activities, schedules and budgets) for vocational education, including the development of the Washington State Plan for Vocational Education; by assuring that the functions are carried out for which the Commission for Vocational Education is responsible and accountable for under the Washington State Plan for Vocational Education; by providing for assurance of quality through evaluations for the purpose of improving the total program of vocational education; by ((providing for the)) monitoring of the vocational education program against the evaluations, and to assure compliance to the State Plan((, and by providing for research, analyses of research findings and the dissemination of the findings with recommendations.)) through compliance audits as mandated in RCW 28C.04.040.

((b) Program Development. Management of programs identified through sections for Agriculture and Renewable Natural Resources Education, Business and Office and Distributive Education, Home and Family Life Education, Trade and Industrial, Technical, and Health Occupations Education, Special Needs, MDTA, Disadvantaged and handicapped; coordination and articulation among services; maintenance of appropriate state advisory committees; curriculum material development; assist with new program approval; and provide consulting

~~help to education agencies:)) (b) Research Coordinating Unit. Coordinates the research, exemplary and innovative, curriculum development, and dissemination activities of the State.~~

~~((c) Leadership Development. The Leadership Development Division is responsible for ensuring leadership development for administrators, teachers and students in and connected with vocational education programs. This includes, but is not limited to, programs of: inservice vocational teacher education conducted by the Commission; preservice and inservice vocational teacher education in the State supported institutions of higher education; training for local vocational administrators; and, training for local advisors of vocational student organizations. In addition, the Division provides leadership for the management and coordination of State level vocational student organizations:))~~

~~((d) Administrative Services and Special Programs:)) (c) Administration. The direction of fire service training programs, ((instructional materials development)) the Curriculum Management Center, information services; direction of fiscal-accounting services, ((personnel action services:)) contractual arrangements, facilities and equipment; direction of compilation of reports; development and maintenance of policies and procedures in the administrative function; and to provide consultative services and to serve in liaison activities as necessary.~~

~~(2) ((Contracted Services:)) Direct supervision of vocational education in common schools will be provided by staff of the Superintendent of Public Instruction ((through a written contract (interlocal agreement) covering the services to be provided)). Direct supervision of vocational education in the Washington State community college system will be provided by staff of the State Board for Community College Education ((through a written contract (interlocal agreement) covering the services to be provided)). ((The above)) ((s)) Services will be in compliance with the State Plan and the contract shall include the following:~~

~~(a) Professional staff that are a part of the Office of Superintendent of Public Instruction or the State Board for Community College Education staff will be mutually agreed upon between the respective agency and the Commission for Vocational Education and such staff must meet standards as set forth in the State Plan.~~

~~(b) Size of clerical staff will be mutually agreed to by ((both contracting)) CVE and the respective agencies.~~

~~(c) Vocational education staff to be employed will be regular members of the Superintendent of Public Instruction or the State Board for Community College Education professional staff with the same rights and privileges as the rest of the professional staff.~~

~~(d) Provision will be made for appropriate articulation and approval of vocational education activities among the three agencies involved. This articulation shall be governed by the policy that overall policy determination in vocational education shall be subject to the approval of the Commission for Vocational Education.~~

~~(e) The vocational education responsibilities assigned by the Commission for Vocational Education to the Office of the Superintendent of Public Instruction and to the Office of State Board for Community College Education are as follows:~~

~~(i) Initial approval of vocational education programs and initial allocations of federal funds apportioned to the specific agency as a result of program plans.~~

~~(ii) Provide for promotion of vocational education programs, services and activities within the appropriate educational system.~~

~~(iii) Immediate supervision of vocational education programs.~~

~~(iv) Provide for general vocational education consultation services to local centers when needed.~~

~~(v) Furnish to the Commission for Vocational Education information on vocational education programs as required for use by that agency in preparing the necessary State and Federal reports, and in preparing the ((Long-Range Program Plan)) Five-Year and the Annual Program Plan.~~

~~(3) The vocational education responsibilities retained by the Commission for Vocational Education include, but are not limited to:~~

~~(a) Supervision of the administration of the programs, services and activities in the State, under the State Plan for Vocational Education.~~

~~(b) Final approval of allocation of federal funds for vocational education.~~

~~(c) Disbursement and accounting of expenditures of federal funds for vocational education.~~

~~(d) Development and submission to the United States Office of Education of the Washington State Plan for Vocational Education.~~

~~(e) Preparation of State and Federal reports on vocational education programs, services and activities and vocational education financial information.~~

~~(f) Overall vocational education program planning, evaluation and research.~~

~~(g) Preparation and inservice development of vocational education personnel.~~

~~(h) Consultative services as required.~~

~~(i) Statewide coordination of the activities of student groups in vocational education.~~

~~(j) Statewide coordination of vocational teacher and administrator development.~~

~~(k) Provide for statewide liaison with various special publics with an interest in vocational education.~~

~~(l) Development of curriculum models and guides.~~

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 490-04A-060 FUNCTIONS AND RESPONSIBILITIES.

(a) The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: **PROVIDED**, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education. [1975 1st ex.s.c 174 § 4]

(b) The commission for vocational education will be responsible for:

- (1) Coordination of the development of policy with respect to programs under the act;
- (2) Coordination of the development of the five-year state plan, the annual program plan, and the accountability report;
- (3) The submission to the commissioner of the five-year state plan, the annual program plan, and the accountability report;
- (4) Consultation with the state advisory council on vocational education and with other state agencies, councils, and individuals; and
- (5) The submission to the administrator of the national center for educational statistics of the information required for the national vocational education data reporting and accounting system pursuant to section 161(a) of the act.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-08A-010 APPEAL PROCEDURES. (1) Any (~~educational institution or educational authority~~) eligible recipient which is dissatisfied with the action of the Commission with respect to approval of an application by an (~~educational agency~~) eligible recipient for a grant and/or funding pursuant to this title, the (~~educational agency~~) eligible recipient may appeal the decision of the Commission in writing within 30 days from the date the final action was taken on the application by the Commission. (~~The educational agency will be notified in writing as to time and place of the hearing.~~) The Commission must acknowledge the appeal notice within 30 days, schedule and conduct a hearing within 90 days and inform the recipient of the Commission's decision within 30 days after the hearing.

(2) The appeal procedure provides for the adjudication of dissatisfactions wherever they occur and the adjudicating body as provided for all formal appeals shall be the Commission for Vocational Education. In the event a local educational center is dissatisfied with a decision made by either one of the two (~~contracting~~) State agencies, then an appeal can be made to the Commission. Similarly, the (~~contracting~~) State agency may appeal in the event of dissatisfaction with actions taken by a local education center. It shall be the responsibility of the Commission to resolve all disputes in vocational education that can not otherwise be resolved by the parties involved.

(~~(3) Upon the receipt of the petition from an educational agency or authority, the Commission shall give due deliberation and notice as provided for in chapter 34.04 RCW and chapter 1-08A WAC, and hearing shall be provided as stipulated in the regulations. If there is a hearing, there will be a written record of that hearing.~~) (3) Other disputes related to vocational education in Washington State will be adjudicated according to WAC 490-37.

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

Chapter 490-12A of the Washington Administrative Code is hereby repealed.

The following sections of the Washington Administrative Code are hereby repealed:

WAC 490-12A-010 QUALIFICATIONS OF TEACHERS OF PRACTICAL NURSING

WAC 490-12A-020 QUALIFICATIONS OF TEACHERS IN TRADE AND INDUSTRIAL EXTENSION CLASSES—SHOP AND TRADE PRACTICE TEACHERS

WAC 490-12A-022 QUALIFICATIONS OF TEACHERS IN TRADE AND INDUSTRIAL EXTENSION CLASSES—RELATED TECHNICAL TEACHERS

WAC 490-12A-024 QUALIFICATIONS OF TEACHERS OF TRADE AND INDUSTRIAL EXTENSION CLASSES—TEACHERS OF GENERAL CONTINUATION CLASSES

WAC 490-12A-030 QUALIFICATIONS OF TEACHERS OF HOME ECONOMICS EDUCATION—HOME ECONOMICS TEACHERS

WAC 490-12A-032 QUALIFICATIONS OF TEACHERS OF HOME ECONOMICS EDUCATION—TEACHER FOR CHILD DEVELOPMENT LABORATORY IN THE HOME ECONOMICS PROGRAM

WAC 490-12A-034 QUALIFICATIONS OF TEACHERS OF HOME ECONOMICS EDUCATION—RELATED SUBJECTS TEACHER

WAC 490-12A-036 QUALIFICATIONS OF TEACHERS OF HOME ECONOMICS EDUCATION—QUALIFICATIONS OF TEACHERS FOR OUT-OF-SCHOOL GROUP

WAC 490-12A-040 DISTRIBUTIVE EDUCATION—QUALIFICATION OF TEACHERS AND COORDINATORS—EVENING EXTENSION CLASSES

WAC 490-12A-042 DISTRIBUTIVE EDUCATION—QUALIFICATION OF TEACHERS AND COORDINATORS—PART-TIME EXTENSION CLASSES

WAC 490-12A-044 DISTRIBUTIVE EDUCATION—QUALIFICATION OF TEACHERS AND COORDINATORS—PART-TIME COOPERATIVE CLASSES

WAC 490-12A-046 DISTRIBUTIVE EDUCATION—QUALIFICATION OF TEACHERS AND COORDINATORS—TEACHERS OF RELATED SUBJECTS

WAC 490-12A-050 QUALIFICATIONS OF TEACHERS OF AGRICULTURE—REGULAR TEACHER FOR ALL-DAY, DAY-UNIT, YOUNG FARMER, ADULT FARMER OR COMBINATIONS OF THE SAME

WAC 490-12A-052 QUALIFICATIONS OF TEACHERS OF AGRICULTURE—SPECIAL TEACHERS

REPEALER

Chapter 490-15A of the Washington Administrative Code is hereby repealed.

The following sections of the Washington Administrative Code are hereby repealed:

WAC 490-15A-001 AUTHORIZATION

WAC 490-15A-004 CONDITIONS REQUIRED FOR APPROVAL

WAC 490-15A-008 STANDARDS REQUIRED FOR APPROVAL

WAC 490-15A-012 PROCEDURES FOR APPROVAL

WAC 490-15A-016 REFUND POLICY

WAC 490-15A-020 ADVERTISING—PUBLICIZING

REGULATIONS

WAC 490-15A-024 DURATION OF APPROVAL—NON-

TRANSFERABILITY

WAC 490-15A-028 REPORTS—VISITATION

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-28A-010 MINIMUM QUALIFICATIONS OF PERSONNEL. (1) General Policy. This section of the Washington (~~State Plan for Vocational Education—Part I (Administrative Provisions)~~) Administrative Code contains the policies relating to minimum qualifications (~~and selection standards~~) for vocational personnel. These policies apply to all personnel in all agencies involved in vocational education under the Washington State Plan for Vocational Education. (~~(employed after the effective date of this Plan.)~~)

(~~(Persons employed prior to the effective date may comply either with standards as set forth in this Plan or to the standards which were in effect in the 1969 Washington State Plan for Vocational Education—Part I.)~~)

(~~(No person as a result of the policies and the requirements and implementing procedures will be exempt from any licensing requirements imposed on the particular area of responsibility.)~~)

(2) References to the Revised Code of Washington. The Commission for Vocational Education is the agency responsible for developing and administering the State Plan for Vocational Education, which includes standards for vocational programs, services and activities. (~~(including standards for personnel in vocational education (P.L. 90-576-123(a)(7))~~) Personnel standards are an integral part of program standards. (Title 28C RCW).

The Superintendent of Public Instruction, under RCW 28A.70.005, Education Manual, has the responsibility for "... certification of teachers in the common schools. . . ."

The State Board for Community College Education, under the Community College 1967 Act, RCW 28B.50.090, has the responsibility to "... establish minimum standards to govern the operation of the community colleges with respect to qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the State Plan for Vocational Education"

(3) Requirements and Implementing Procedures. The Superintendent of Public Instruction and the State Board for Community College Education each must adopt requirements and implementing procedures showing specifically how the State Plan policies and standards (~~((+34; +35))~~) will be implemented. These procedures must (~~(cite the appropriate State Plan section;)~~) be approved by the Commission for Vocational Education (State Board) in session, and have been adopted by each agency into the Washington Administrative Code. The compliance audits mandated in RCW 28C.04.040(3) will be conducted by the CVE staff against the requirements and implementing procedures adopted by each agency into the Washington Administrative Code as well as against the minimum requirements contained in the State plan.

(4) Minimum Standards for Full-Time Teaching Personnel.

(a) Work Experience. Must have recent work experience beyond the learning period as a fully qualified worker in the occupation which will be taught. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used. In no case will the minimum work experience in the occupation be less for teachers than the amount of time normally required for beginning students to learn the occupation, or one year, whichever is greater. The definition of "recent" shall be included in the requirements and implementing procedures.

Provisions for exceptions to the above may be made in the requirements and implementing procedures for new and emerging occupations in which sufficient persons with enough work experience are not available.

(b) Competencies for Teaching. Must have demonstrated the competencies required for teaching. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used ~~(:)~~ to assure professional and technical teaching preparation. This may be fulfilled and measured in various ways, some of which are: professional vocational teaching methods courses taken, teaching experience, appropriate supervisory experience, degrees received, teaching internships, or combinations of these.

(c) Maintaining and Improving Occupational Competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving occupational competence.

(d) Maintaining and Improving Teaching Competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving teaching competence.

(e) Advisory Committee Instruction. There will be evidence in the preparation program of all vocational teachers that the program contains a substantive amount of instruction in the effective utilization of advisory councils and program/craft advisory committees.

~~((+))~~ (f) Other Teaching Personnel. The requirements and implementing procedures may designate various other personnel assisting the teacher and the requirements for each.

(5) Safety and Industrial Hygiene Practices Standards. The primary purpose of the Safety and Industrial Hygiene Practices Standards Section is to assure that the preparatory trainee, upon completion of his/her training, has been trained to be a safe employee to himself/herself and to those with whom he/she works. The purpose of the first aid provision is to provide emergency treatment availability for students.

(a) Definitions:

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

(ii) "Vocational Program", for the purposes of these regulations, shall meet the definition agreed upon in operating criteria of the Commission for Vocational Education.

(b) The standards for safety and industrial hygiene practices adopted by the Commission for Vocational Education shall, where applicable, include the requirement that certain individuals, in addition to other criteria, hold valid first aid certificates issued by or equivalent to

the standards of those issued by the Washington Department of Labor and Industries, or the United States Bureau of Mines, or the American Red Cross.

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

(d) The determination of hazard shall be made by the safety supervisor, designated under these regulations by the local educational agency, in cooperation with the appropriate local representative advisory committee.

(e) Specifically excluded with conformance to this requirement are:

(i) Vocational Counselors.

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

(iii) Physicians, registered nurses, licensed practical nurses and others ~~((whose))~~ when their occupational competencies and training include first aid knowledge equal to or superior to that represented by the first aid certification being required under these regulations ~~(:)~~, including cardiopulmonary resuscitation.

(iv) Vocational instructors who teach 90 hours or less per school year and whose instruction is a part of a total vocational program that is under the supervision or direction of a vocational instructor(s) possessing valid first aid certificate(s).

(f) The first aid requirement can be met by the successful completion of any first aid course that develops the competencies necessary to perform the following emergency treatments:

(i) Airway and pulmonary arrest

(ii) Cardiopulmonary resuscitation

(iii) Techniques for handling wounds, bleeding, burns, and shock

(iv) Injuries to face, eyes, neck, chest, and abdomen

(v) Injuries to skull, brain, neck and spine

(vi) Fractures of the upper extremities

(vii) Fractures of the lower extremities

(g) Responsibility for insuring that appropriate staff have first aid training will rest with the district employing the vocational instructor.

(h) The specific type of first aid program required of vocational instructors will be determined by the representative advisory committee organized for the occupation for which the vocational instructor is providing training ~~(:)~~; however, cardiopulmonary resuscitation is required for all vocational instructors.

(6) By September 1, 1973, the preparation for vocational teaching for all persons shall include instruction in those safety and industrial hygiene practices common to all occupations sufficient to insure those persons knowledge of and ability to instruct students in those practices at a level consistent with the safety and industrial hygiene practices standards adopted by the Commission for Vocational Education.

No person who receives training for vocational teaching after September 1, 1973, shall be employed by a local educational agency in a program approved under the State Plan for more than 90 calendar days unless that person has met the safety and industrial hygiene practices standards adopted by the Commission for Vocational Education.

The safety and industrial hygiene practices, unique to specific occupations or clusters of occupations, will be developed by September 1, 1974, and will be implemented during the 1974-75 school year and thenceforth, so that all affected vocational teachers will be fully qualified not later than September 1, 1978.

(7) The general safety and industrial hygiene standards apply to all contracted vocational personnel who teach or supervise a vocational class or program in the common schools and community colleges in the State, and all vocational personnel in proprietary schools who are required to hold vocational certification under the State Plan.

(a) This standard can be satisfied by:

(i) Completing a 15-hour course in Safety and Industrial Hygiene taught by an instructor accredited by the Commission for Vocational Education, or

(ii) The passing of an approved examination which covers the material contained in the 15-hour course, or

(iii) By satisfactorily completing a course in Safety and Industrial Hygiene that has been designated by the Commission for Vocational Education as meeting this requirement.

(b) Approved courses in Safety and Industrial Hygiene will include, but not be limited to:

- (i) History
- (ii) Causes of accidents
- (iii) Classes and types of accidents
- (iv) Motivating safety
- (v) Accident prevention
- (vi) Industrial hygiene
- (vii) Industrial insurance

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

(8) The safety and industrial hygiene needed for specific occupations may be satisfied by one of the following:

(a) Completion of a course as part of pre-service training that is designed to provide the potential vocational instructor with the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach.

(b) Completion of an in-service course that is designed to provide the vocational instructor with the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach.

(c) Certification by the local representative advisory committee for the occupation that the vocational instructor does possess the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach, together with visible evidence that this is an integral part of his/her instructional program.

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

- (i) The name of the vocational instructor,
- (ii) The name(s) of the trainer(s),
- (iii) Evidence of the qualifications of the trainer(s),
- (iv) The content of the training.

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

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 75-3, filed 12/15/75)

WAC 490-28A-011 ((APPEAL)) EXCEPTION PROCEDURES. (1) Full-time Teaching Personnel. In extraordinary instances, when a local vocational administrator has reason to feel that a potential full-time instructor has the necessary occupational and teaching competencies even though he has no evidence of meeting the specific requirements as developed under WAC 490-28A-010 but has unique or special capabilities and/or experiences, an exception to WAC 490-28A-010 might be in the best interest of the vocational students in the program. The method(s) for executing an exception will be contained in the Requirements and Implementing Procedures of SBCCE and SPI the following appeal procedure may be invoked. This procedure may result in a probationary exception leading to full authorization.

(a) The hiring vocational administrator should submit the following to the appropriate state agency (Superintendent of Public Instruction or State Board for Community College Education):

(i) A written statement, with appropriate documentation, which clearly states why the administrator feels a probationary exception should be made.

(ii) A written statement from the advisory committee indicating that official action was taken to recommend the person as having the needed occupational and teaching competence, and reasons why a probationary exception should be made.

(iii) A copy of the official minutes of the advisory committee meeting at which the official action took place.

(iv) A complete resume' of the work experience, education, and other pertinent experiences and accomplishments of the applicant.

~~(v) A written statement from the potential instructor indicating reasons for requesting that a probationary exception be made.~~

~~(b) Upon receipt of the above, the Executive Director of the Commission for Vocational Education, an administrator responsible for vocational education on the staff of the Superintendent of Public Instruction, and an administrator responsible for vocational education on the staff of the State Board for Community College Education, will meet as an appeal committee to review the request; make decisions regarding the request; and if approved, to determine the probationary period and the evaluation procedures which will be used to determine whether or not the applicant will be recognized as being fully qualified.~~

~~(2) Exception Procedures—Part-time Supplementary Teaching Personnel. In extraordinary instances a local vocational administrator may be unable to employ a part-time supplementary vocational instructor with the necessary occupational and teaching competencies meeting the specific requirements as developed under WAC 490-28A-010. He may employ the instructor on a temporary/emergency status by submitting the following to the appropriate state agency:~~

~~(a) A written statement, with appropriate documentation, which clearly states why the administrator made an exception and defining temporary/emergency as here applied.~~

~~(b) A complete resume' of the work experience, education and other pertinent experience and accomplishments of the applicant.~~

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

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-28A-012 MINIMUM STANDARDS FOR LOCAL VOCATIONAL ADMINISTRATIVE PERSONNEL. (1) Teaching Requirements. Must meet the minimum requirements for teaching personnel as set forth in the particular requirements and implementing procedures relating to the policies under WAC 490-28A-010.

(a) Teaching Experience. Must have taught vocational education for at least three years. The requirements and implementing procedures shall indicate the acceptable equivalent for teaching experience.

(b) Administrative or Supervisory Competencies. Must have demonstrated the competencies required for supervision and administration. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used.

~~(2) ((Appeal)) Exception Procedures.~~ In extraordinary instances, ~~((when))~~ a hiring administrator ~~((has))~~ could have reason to feel that a potential vocational administrator has the necessary competencies even though he does not meet the specific requirements as developed under 490-28A-010 WAC. ~~((the following appeal procedure may be invoked. This procedure may result in a probationary exception leading to full authorization:~~

~~(a) The hiring administrator shall submit the following to the appropriate state agency (Superintendent of Public Instruction or State Board for Community College Education):)) If such exceptions are to be executed, the method(s) for doing so will be contained in the Requirements and Implementing Procedures of SBCCE and SPI.~~

~~(i) A written statement, with appropriate documentation, which clearly states why the school administrator feels a probationary exception should be made.~~

~~(ii) Letters from at least four persons who hold responsible positions in vocational education indicating reasons why a probationary exception should be made.~~

~~(iii) A complete resume' of the work experience, education, and other pertinent experiences and accomplishments of the applicant.~~

~~(iv) A written statement from the potential vocational administrator indicating reasons for requesting that a probationary exception be made.~~

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 75-3, filed 12/15/75)

WAC 490-28A-013 MINIMUM STANDARDS OF STATE AGENCY PERSONNEL. (1) Minimum Standards for State Agency Administrators (state director of vocational education, state vocational

education program administrators, and state vocational education program directors). In accordance with federal (Public Law 88-352) and state laws (chapter 49.60 RCW), Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

(a) Teaching Experience. Must have taught vocational education for at least three years.

(b) Administration or Supervision Experience. Must have had at least three years experience in supervision, direction or management of personnel in vocational education.

(c) Education. At least 300 clock hours or 30 quarter credit hours in courses related to the responsibilities or documented evidence of significant accomplishments in the area of responsibilities.

(2) Minimum Standards for State Agency Vocational Education Program Specialists. In accordance with federal (Public Law 88-352) and state laws (chapter 49.60 RCW), Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

(a) Experience. At least three years (~~(recent (has worked within the area of specialty sometime during the past three years)))~~) experience in the area of responsibility.

(b) Education. At least 300 clock hours or 30 quarter credit hours in courses related to the responsibilities or documented evidence of significant accomplishments in the area of responsibilities.

(c) Teaching Experience. Those state agency vocational education program specialists who have direct supervision and/or responsibility for vocational curriculum matters shall have had three years of (~~recent~~) vocational teaching experience within the area of specialty.

(3) Vocational Education Teacher Educators. (~~Must meet the minimum standards for state agency vocational education program specialist under section 2(a), (b), (c), and to assure acceptance of courses as Commission for Vocational Education approved vocational teacher education courses be agreed upon prior to assignment in vocational teacher education by the executive director of the Commission for Vocational Education upon recommendation by the director of leadership development with advice from vocational education professional staff.))~~

(a) Must meet the minimum standards for State agency personnel.

(b) Approval of the course(s) to be taught by the Commission, through the executive director, prior to the course(s) being taught.

(c) In accordance with federal (Public Law 88-352) and state laws (chapter 49.60 RCW), Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

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 hereby repealed:

WAC 490-28A-030 PROFESSIONAL IMPROVEMENT
WAC 490-28A-040 REVIEW AND MODIFICATION OF
PERSONNEL QUALIFICATION STANDARDS
WAC 490-28A-050 PROGRAM EVALUATION
WAC 490-28A-060 REVIEW AND EVALUATION OF PER-
SONNEL PREPARATION AND DEVELOPMENT

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-32A-010 DEFINITIONS FOR TERMS COMMON-
LY USED IN VOCATIONAL EDUCATION ACTIVITIES —

The following definitions apply to all vocational education activities carried out under the authority of the Commission for Vocational Education:

(1) Vocational Education shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.

(2) The term "occupational exploration" shall include prevocational education. The term occupational exploration shall mean a series of educational experiences designed to:

(a) assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations;

(b) develop an attitude of respect toward work and pride in workmanship; and

(c) provide knowledge and experience to assist in the choice of an occupational program.

(3) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods, and also providing exploratory experiences which are helpful in the choice of a vocation.

(4) The term "job market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

~~((5) The term "local educational agency" shall mean any legal entity capable of performing vocational services in accordance with the provisions of the State Plan for Vocational Education.))~~

(5) "Act" means the Vocational Education Act of 1963, P.L. 88-210, as amended by Title II of the Education Amendments of 1976, P.L. 94-482, 90 Stat. 2168, 20 U.S.C. 2301 et seq.

(6) "Administration" means activities of a State necessary for the proper and efficient performance of its duties under the Act, including supervision, but not including ancillary services.

(7) "Adult program" means vocational education for persons who have completed or left high school and who are not described in the definition of "postsecondary program", or who have already entered the labor market, or who are unemployed.

(8) "Advisory council" means the advisory council for vocational education established within this state pursuant to 20 USCA 1244B.

(9) "Ancillary services" means activities which contribute to the enhancement of quality in vocational education programs, including activities such as teacher training and curriculum development, but excluding administration (except in consumer and homemaking education under Section 150 of the Act).

(10) "Area vocational education school" means:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market;

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The department or division of a junior college or community college or university operating under the policies of the State board which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if:

(1) The vocational programs are available to all residents of the State or an area of the State designated and approved by the State board; and

(2) In the case of a school, department, or division described in (c) or (d), it admits as regular students both person who have completed high school and persons who have left high school.

(11) "CETA" means the Comprehensive Employment and Training Act of 1973, P.L. 93-23, 87 Stat. 839, as amended.

(12) "Commission" shall mean the Commission for Vocational Education.

(13) "Commissioner" means the U.S. Commissioner of Education or the Commissioner's designee.

(14) "Construction" includes:

(a) Construction of new buildings;

(b) Acquisition, expansion, remodeling and alteration of existing buildings;

(c) Site grading and improvement; and

(d) Architect fees.

(15) "Cooperative education" means a program of vocational education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(16) "Curriculum materials" means materials:

(a) Covering instruction in a course or series of courses in any occupational field; and

(b) Designed to prepare persons for employment at the entry level;

or

(c) Designed to upgrade occupational competencies of those previously or presently employed in any occupational field.

(17) "Disadvantaged" means:

(a) Persons (other than handicapped persons) who:

(1) Have academic or economic disadvantages; and

(2) Require special services, assistance, or programs in order to enable them to succeed in vocational education programs.

(b) "Academic disadvantage", for the purposes of this definition of "disadvantaged", means that a person:

(1) Lacks reading and writing skills;

(2) Lacks mathematical skills; or

(3) Performs below grade level

(c) "Economic disadvantage", for the purposes of this definition of "disadvantaged", means:

(1) Family income is at or below national poverty level;

(2) Participant or parent(s) or guardian of the participant is unemployed;

(3) Participant or parent of participant is recipient of public assistance; or

(4) Participant is institutionalized or under State Guardianship.

(18) "Eligible recipient" means:

(a) A local educational agency, or

(b) A postsecondary educational institution.

(19) "Handicapped" means:

(a) A person who is:

(1) Mentally retarded;

(2) Hard of hearing;

(3) Deaf;

(4) Speech impaired;

(5) Visually handicapped;

(6) Seriously emotionally disturbed;

(7) Crippled (orthopedically impaired); or

(8) Other health impaired person, including a person who suffers from learning disabilities to the extent the disability is a health impairment; and

(b) Who, by reason of the above:

(1) Requires special education and related services, and

(2) Cannot succeed in the regular vocational education program without special educational assistance; or

(3) Requires a modified vocational education program.

(20) "HEW" means the Department of Health, Education, and Welfare.

(21) "Industrial arts education programs" means those education programs:

(a) Which pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes; and

(b) Which assist individuals in making informed and meaningful occupational choices or which prepare them for entry into advanced trade and industrial or technical education programs.

(22) "Institution of higher education" means institution of higher education as defined in section 1201(a) of the Higher Education Act.

(23) "Local educational agency" means:

(a) A board of education (or other legally constituted local school authority) having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision of a State; or

(b) Any other public educational institution or agency having administrative control and direction of a vocational educational program.

(24) "Local program/craft advisory committee" means a local advisory committee organized to advise about a local vocational program in an occupational area such as distributive education, home and family life education, agriculture education, etc., or a local advisory committee organized to advise on specific crafts or occupations such as food merchandising, child care, carpentry, ornamental horticulture, nurse aides, etc.

(25) "Low-income family or individual" means families or individuals who are determined to be low-income according to the latest available data from the Department of Labor, as shown in CETA Policy Memo 77-3-VI, dated March 31, 1977.

(26) "Postsecondary educational institution" means a non-profit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school.

(27) "Postsecondary education system" shall mean those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the State of Washington to those who hold a certificate of completion or high school diploma which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate or higher degree or a certificate of achievement.

(28) "Postsecondary program" means vocational education for persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs.

(29) "SBCCE" is the State Board for Community College Education office.

(30) "Secondary education system" shall mean those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the State of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.

(31) "Sex bias" means behaviors resulting from the assumption that one sex is superior to the other. "Sex bias", as used in the Act and these regulations, includes sex discrimination.

(32) "Sex stereotyping" means attributing behaviors, abilities, interests, values, and roles to a person or group of persons on the basis of their sex.

(33) "Sex discrimination" means any action which limits or denies a person or a group of persons opportunities, privileges, roles, or rewards on the basis of their sex.

(34) "School facilities" means:

(a) Classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed.

(b) "School facilities" does not include any facility intended primarily for events for which admission is to be charged to the general public.

(35) "Secondary program" means vocational educational for persons in high school (span of grades usually beginning with grade 9 and ending with grade 12).

(36) "Secretary" means the Secretary of Health, Education, and Welfare.

(37) "SPI" is the office of the Superintendent of Public Instruction.

(38) "State board" means the State board designated or created by State law as the sole State agency responsible for:

(a) The administration of vocational education; or

(b) Other agency or office primarily responsible for the State supervision of public elementary and secondary schools; or

(c) If there is no such office or agency, an office or agency designated by the Governor or by State law.

(39) "State plan" shall mean the Washington state plan for vocational education, adopted as required by Public Law 88-210 as amended, and other federal congressional and administrative directives

pertaining to vocational education, and shall be the single comprehensive plan which provides approval standards for vocational education operated in or by community colleges, common schools, area nongraded vocational-technical institutes, occupational skill centers, state institutions, private proprietary and parochial schools, on-the-job training facilities or any other training location where local, state or federal vocational funds are allocated: PROVIDED, That standards of, rules and regulations for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council in accordance with chapter 49.04 RCW.

(40) "Vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; for purposes of this paragraph, the term "organized education program" means only:

(a) Instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(b) The acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment.

The term "vocational education" does not mean the construction, acquisition, or initial equipment of buildings, or the acquisition or rental of land.

(41) "Vocational instruction" means instruction which is designed upon its completion to prepare individuals for employment in a specific occupation or cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction may include:

(a) Classroom instruction;

(b) Classroom related field, shop, and laboratory work;

(c) Programs providing occupational work experiences, including cooperative education and related instructional aspects of apprenticeship programs;

(d) Remedial programs which are designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction; and

(e) Activities of vocational student organizations which are an integral part of the vocational instruction.

(42) "Vocational-technical institute" shall mean a specialized area nongraded 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 sixteen 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: PROVIDED, That service areas for common school vocational-technical institutes shall be defined specifically by the commission, recognizing areas traditionally served.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: 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 75-3, filed 12/15/75)

WAC 490-36A-020 ADVISORY COUNCILS AND COMMITTEES. ((+)) Local Advisory Committees.

(a) A condition of approval by the Commission for Vocational Education for a vocational program shall be documentation evidencing the endorsement of that instructional program by a local advisory committee consisting of equal representation of employers and employees engaged in the vocations involved or closely related thereto: PROVIDED, That when the trade, craft, or vocation involved specifically prepares students for apprenticeable trades, crafts, or vocations, the applicable Joint Apprenticeship Committee shall be represented on the advisory committee by a minimum of one employee and one employer representative. Where satisfactory evidence is furnished to indicate that the prescribed committee composition is not appropriate to a specific program, a committee may be empanelled composed of persons who are

familiar with the occupational and geographic areas served by the particular program: PROVIDED FURTHER, That the responsibility for empanelling members of the local advisory committee shall be that of the local educational agency, subject to the approval processes of the Commission for Vocational Education.

(b) In addition to securing and submitting the endorsement of the local advisory committee required for program approval, the local educational agency shall insure that the local advisory committee empanelled is active and performing its functions:

(2) General Vocational Program Advisory Committees:

(a) General vocational program advisory committees assist in developing and maintaining the entire vocational program of a school or local education agency. The committees' membership should be drawn from across the occupational spectrums represented by existing and proposed programs and often from other groups of interested and concerned citizens. These committees help to identify the needs of individuals and the community; help assess labor market requirements; contribute to establishing and maintaining realistic and practical vocational programs; participate in developing community understanding and support; aid in building the prestige of and respect for the entire program of occupational education; and, are concerned with both immediate and long-range goals:

(b) In any instance where a local educational agency is being served by more than one local advisory committee, it is recommended that the local educational agency additionally empanel a general vocational education advisory committee comprised of representation from those local advisory committees and other knowledgeable persons representing employees, employers, and the public:

(c) While the functions of the general advisory committee do not relate to the program approval criteria for individual programs, the Commission for Vocational Education shall inquire into the establishment and satisfactory functioning of appropriate general advisory committees as part of the overall evaluations connected with monitoring programs being operated by local educational agencies:))

(1) Local Advisory Councils

Each eligible recipient receiving assistance under this Act to operate vocational education programs shall establish a local advisory council to provide such agency with advice on current job needs and on the relevancy of courses being offered by such agency in meeting such needs. Such local advisory councils shall be composed of members of the general public, including, but not limited to representatives of business, industry and labor, and also should include representative spokespersons for the handicapped and disadvantaged. The responsibility for empanelling members of all local advisory councils shall be that of the local eligible recipient.

(a) Each eligible recipient shall assure the appropriate State agency, in its application for Federal or State funds, evidence that documentation of the establishment of a local advisory council is on file.

(b) The local advisory council may be established for:

(1) Program areas;

(2) Schools;

(3) The community; or

(4) The region in which the eligible recipient is located.

(c) When feasible, council membership should be drawn from across the occupational spectrum represented by existing and proposed programs and from other groups of interested and concerned citizens.

(d) Representatives from several local program/craft committees, or representatives of several school councils within a local education agency, having the requisite representation identified in the opening paragraph, should join together to form a general local advisory council.

(e) The Local Advisory Council may assist the local recipient by:

(1) Helping to identify the needs of individuals and the community;

(2) Helping assess labor market requirements;

(3) Contributing to the establishment and maintenance of realistic and practical vocational programs;

(4) Participating in the development of community understanding and support;

(5) Aiding in building the prestige of and respect for the entire program of occupational education.

(f) The local advisory council shall assist the eligible recipient in developing its application to the Commission or to the agency which has been delegated the responsibility for accepting applications by the Commission.

(g) The Commission shall inquire into the establishment and satisfactory functioning of appropriate local advisory councils as part of the

overall evaluations connected with monitoring programs being operated by local educational agencies.

(2) Local Program/Craft Advisory Committees

(a) Each eligible recipient shall provide documentation that a program or craft advisory committee has been empanelled for each craft or program area, at the most specific occupational level appropriate to the identified skill level for which training is given, except that where evidence is presented with the application for approval that a general advisory committee is more appropriate, such a committee will be allowable. Each eligible recipient shall also provide evidence that a bona fide effort is being made to assure the effective functioning of each committee. Evidence of the empanelling could include:

- (1) Written documentation of appointments;
- (2) Written documentation of acceptance by the appointees;
- (3) Other types of verification.

Evidence of a bona fide effort being made could be reflected in meeting minutes, which indicate:

- (1) That an adequate number of meetings were held to assure that the input provided a positive effect on the program;
- (2) That adequate prior notification of meeting dates and times have been given;
- (3) That meetings have been scheduled on dates and at times to assure maximum employer and employee attendance; and
- (4) Other corroboration of intent.

(b) The local program/craft advisory committee will have equal representation of employers and employees engaged in the occupation for which training is given.

(c) For programs preparing students for entry into, or upgrading in, apprenticeship trades, the applicable Joint Apprenticeship Training Committee (JATC) shall be invited to be represented equally with one or more employer and employee members or designees. Where satisfactory evidence is furnished indicating that JATC members or designees are unavailable, a committee may be empanelled composed of persons who are familiar with the occupation and geographic area served by the particular program.

(d) The responsibility for empanelling members of the local advisory committees is exclusively that of the local eligible recipient.

(e) The general responsibility of a local program/craft advisory committee is to act in an advisory capacity without administrative or supervisory responsibility. Since a local program/craft advisory committee, to be effective, must provide advice in the planning, development and evaluation of vocational programs, the activities outlined below are not to be considered all inclusive of the activities said committee may perform to assist the vocational educator and/or local eligible recipient.

(f) Specific activities in which the program/craft advisory committee can be involved are:

- (1) Advise on current job needs;
- (2) Evaluate the relevance of programs being offered by the eligible recipient in meeting current job needs in the occupational area for which the advisory committee was organized.
- (3) Recommend program startup, continuance, discontinuance and enrollment level, that generally conforms with statewide job opportunities forecasts, unless available data indicates a variance is called for due to changes in the economy. For example, the committee can assist the vocational educator to: make community surveys; determine and verify need for training; review past accomplishments and forecast trends; counsel and guide students in relation to the world of work; provide accurate occupational information.
- (4) Make recommendations that will assure the curriculum content is consistent with current skills and knowledge of the occupations. For example, the committee can assist the vocational educator: to evaluate the programs; to plan facilities and establish standards for shop and lab planning; to establish standards for selecting equipment and instructional materials; to recognize new technical developments which require changes in the curriculum; by offering guidance and support in technical matters; to select production work to be used as instructional vehicles for accomplishing course objectives; to determine criteria for evaluating student performance; and to develop cooperative work experience programs for students.
- (5) Make recommendations to assure that the instructors are experienced and knowledgeable in the occupation. For example, the committee can assist the vocational educator to: encourage teaching of recruits; determine criteria for selecting instructors, recommend and/or recruit qualified instructors.

(6) Assist the vocational educator: by providing tangible evidence that industry is supporting the program; by providing financial, legislative and moral support; by interpreting the program to the community, to unions, to employers; by securing donations of equipment and supplies; and by finding placement opportunities for students.

(g) If a bona fide member of an advisory committee is in disagreement with the decision of the appointing eligible recipients to the startup, continuance or discontinuance of a program about which s/he has been appointed to give advice, said member may achieve recourse by taking the following action:

(1) Presenting her/his arguments and evidence to the local administration according to the procedures established by the local agency.

(2) If satisfactory resolution of the disagreement has not taken place within 10 days of the receipt of the communication by the local administration, the complainant may present his/her arguments to the State agency having jurisdiction over the operation of the program, according to procedures established by that agency, with copies to CVE and other affected agencies.

(3) If satisfactory resolution is again not achieved within 20 days of the receipt of the information by the parent agency, the complainant may present her/his arguments and evidence, orally and in writing, to the Commission.

(4) The Commission will determine whether a hearing will be held before it, or whether a formal adjudication proceeding is required.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-40A-010 VOCATIONAL EDUCATION PROGRAM DEVELOPMENT CONTRACTS AND AGREEMENTS.

(1) In the development of vocational education programs, services, and activities, the Commission may enter into cooperative arrangements with

(a) Other agencies, organizations, and institutions which are concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations.

(b) Other agencies, organizations, and institutions concerned with the disadvantaged and handicapped persons, such as state and local vocational rehabilitation and special education agencies, public health agencies, and private organizations concerned with such persons.

(2) Such agreements should include such items as identification of responsible personnel, and plans for implementation, review, and evaluation. Copies of any ensuing agreement between the Commission and other agencies, organizations and institutions shall be submitted by the Commission for filing with the State Plan.

(3) Provision may be made for any portion of the program of instruction on an individual or group basis by private vocational training institutions or other existing institutions capable of carrying out vocational programs through a written contract with the Commission or other State or local educational agency. The contract shall describe the portion of instruction to be provided by the institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this subpart and the approved five-year State plan.

The contract for instruction shall be entered into only upon a determination by the Commission or other State and local educational agencies that:

(a) The contract is in accordance with State and local law; and
(b) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the approved State plan.

(c) The Commission and/or other State or local educational agency will review the contracts with the institutions at least once a year.

(d) The contractee has assured that all applicable Federal, State and local vocational education standards are met by the contractor.

((3)) (4) It is anticipated in all situations in which vocational education services will be contracted for, that a written agreement will cover the services to be rendered and that this agreement will include all the necessary information that pertains to that precise service. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in the regulations and the State Plan.

Such a contract shall be entered into only upon satisfactory assurance that:

- (a) The contract is in accordance with state or local law; and
- (b) The instruction to be provided under contract will be conducted as a part of the vocational education program of the state and will constitute a reasonable and prudent use of funds available under the State Plan.
- (c) Such contract shall be reviewed at least annually by the parties concerned.

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 75-3, filed 12/15/75)

WAC 490-40A-020 AGREEMENTS WITH OTHER STATE AGENCIES. (1) The procedures to be followed by the Commission for Vocational Education in the matter of coordination with other state agencies shall be consistent with ~~((Section 123(a)(6) of))~~ Public Law ~~((90-576 and regulation 102.40(c) and 102.52(c)(1)))~~ 94-482 and with state and local law. Cooperative arrangements between the various state agencies involved will be by written contracts:

- (a) Approved by the Commission for Vocational Education.
- (b) Approved by the state head of such other system or agency.
- (c) Reviewed and approved by the State Office of ~~((Program Planning and))~~ Fiscal Management when required by state law.
- ~~((d))~~ (d) Approved as to form by the Office of the Attorney General.
- ~~((e))~~ (e) Containing the following information:
 - (i) Nature and purpose of agreement and compliance with law.
 - (ii) Agreements.
 - (iii) Delineation of specific areas of cooperation.
 - (iv) Provides for liaison.
 - (v) Provides for any exchanges of information.
 - (vi) Outlines policies and procedures to be followed.
 - (vii) Effective date and provisions for termination of agreement.

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 75-3, filed 12/15/75)

WAC 490-40A-030 PROGRAMS, SERVICES AND ACTIVITIES UNDERTAKEN BY LOCAL EDUCATIONAL AGENCIES.

(1) All instructional activities will be operated by schools and vocational technical institutes through either the State Board of Education and the State Superintendent of Public Instruction or the State Board for Community College Education, except that four-year colleges and universities may also operate vocational teacher education programs. ~~((For vocational education purposes, the state system of community colleges will be treated as a local educational agency.))~~ As previously described, each of these two agencies will have some vocational education staff.

(2) The overall policy governing the conduct of programs in local education agencies must be approved by the Commission for Vocational Education. Within approved policy, however, a local secondary education center and/or vocational-technical school will submit its program plan to the Office of Public Instruction staff in accordance with the agreed-to policy. A community college will submit its program plan to the State Board for Community College Education. ~~((The procedure recognizes that))~~ ~~((t))~~ The final approval for use of federal vocational funds is the responsibility of the Commission for Vocational Education and cannot be delegated. In those instances where specific applications for assistance are not covered in the existing policy, they will be negotiated individually with the Commission for Vocational Education.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-40A-040 AGREEMENTS REGARDING HANDICAPPED AND DISADVANTAGED PERSONS. (1) All State and

Federal agencies and major organizations and institutions with a responsibility for persons handicapped and disadvantaged will be involved in the statewide planning activities in the identification of needs for vocational education programs, activities and services; in the development of appropriate programs, activities and services; and in the evaluation of the results of programs, activities and services.

(2) Identification of Handicapped Persons. Handicapped persons are identified ~~((as:))~~ according to the definition in WAC 490-32A-010.

~~((a))~~ Having a physical or mental disability as defined in Section 102.3 of the Federal Rules and Regulations:

- ~~((b))~~ Having a substantial handicap to employment.
- ~~((c))~~ Having a reasonable expectation that vocational education services may render the individual fit to engage in a gainful occupation.
- ~~((d))~~ These definitions include, but are not limited to, the following definitions of specific handicaps:
 - ~~((i))~~ Hard of hearing. Persons who have impaired hearing severe enough to require special instructional methods, materials, supplies and equipment.
 - ~~((ii))~~ Deaf. Persons who have a hearing loss of 75 to 80 decibels (ISO standards) or greater across the speech range in the better ear, and who even with amplification are unable to develop adequate language and speech.
 - ~~((iii))~~ Partially seeing. Persons whose vision is limited to 20/70 or less in the better eye after correction. Included are persons who have other medically certified conditions of the eye which require special instructional materials, equipment and services.
 - ~~((iv))~~ Blind. Persons whose visual acuity is 20/200 or less in the better eye after correction. Included also are persons who have been medically diagnosed with conditions of the eyes that will certify them as legally blind.
 - ~~((v))~~ Orthopedically handicapped. Persons who are handicapped through congenital or acquired motor defects or health problems requiring protective educational environment to such a degree that they must have special services, materials, supplies, and equipment.
 - ~~((vi))~~ Neurologically impaired. Persons who have central nervous system dysfunction, so serious that they cannot adjust to a regular or other special education classroom without additional special services. These persons demonstrate average or above average intelligence but exhibit impaired perceptual awareness and understanding of their learning environment.
 - ~~((vii))~~ Mentally retarded. Persons who, because of retarded intellectual and social development, are incapable of being educated entirely through regular classroom instruction but who may benefit from a special education setting designed to meet their needs. I.Q. criterion is not the primary consideration.
 - ~~((viii))~~ Emotionally and socially maladjusted. Persons whose emotional development results in incompatible learning behavior which cannot be adjusted or modified to regular classroom procedures without special services. This generally includes persons who show the extremes of acting out or withdrawal behaviors included in the classification of personality disorders.)

(3) Identification of Disadvantaged Persons

(a) The criteria that shall pertain in the identification of disadvantaged persons shall be the criteria set forth in WAC 490-32A-010. ~~((Section 102.3 of the regulations governing the vocational education program.))~~ ~~((i))~~ 'Disadvantaged persons' means persons who have academic, socioeconomic, cultural, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation, from the community at large, but does not include physically or mentally handicapped persons (as defined under this section) unless such persons also suffer from the handicaps described in this paragraph.

~~((b))~~ The following are examples of disadvantaged persons:

- ~~((i))~~ Students with low achievement scores and who are not classified as mentally retarded;
- ~~((ii))~~ Students who have not found an interest in learning or in school work as a result of poor educational background and home environment;
- ~~((iii))~~ Students who demonstrate a continued pattern of failing and seem discouraged in their school work;
- ~~((iv))~~ Students who have poor speech, low-level reading ability, and limited formal vocabulary who are not mentally deficient;
- ~~((v))~~ Students who have linguistic barriers;

- (vi) Students who have poor attendance records and are not making normal academic progress in regular classes;
- (vii) Students who have dropped out of high school and are unemployed or underemployed and need training;
- (viii) Persons from hardcore poverty areas who live apart from the mainstream of the community;
- (ix) Persons who display a negative attitude toward learning and who are plagued by a negative self-image;
- (x) Persons who have high incidence of involvement with the police and are hostile toward law and order;
- (xi) Persons who lack personal motivation and lack experience with successful "models" of their own ethnic group;
- (xii) Persons from low-income families who have nutritional and other health needs and/or lack adequate finances to obtain essentials for going to school (transportation, school supplies, etc.);
- (xiii) Persons whose parents are dependent upon public assistance;
- (xiv) Persons who are economically illiterate.

(4) Continuous liaison with the Employment Security Department and the various public welfare agencies shall be maintained in order that there will be continually available an inventory of persons in the disadvantaged category who have need for vocational education services. Continuous assessment of the number and location of these individuals will identify special program needs from time to time. Information and assistance will be made available to the local level in order to implement these programs when identified.

(5) Areas of Allocation. Allocation of funds will be made for vocational education for the disadvantaged located in areas of the state having high concentrations of youth unemployment and school dropouts as determined in the State Plan. To the extent feasible, disadvantaged or handicapped persons will be placed in regular vocational education programs and provided with those supplementary special education services which are necessary to enable them to benefit. Funds available for vocational education for disadvantaged or handicapped persons may be used to pay only that part of the cost of supplementary special educational services as are reasonably attributable to providing vocational education to disadvantaged or handicapped persons.

(6) Participation of Disadvantaged Students in Private Non-profit Schools. The participation of students enrolled in private non-profit schools in vocational education programs or projects under Part B supported with funds allotted under Section 102(b) and under Parts D and G of the Act shall be in accordance with the following requirements:

(a) Each program and project carried out under Part B supported with funds allotted under Section 102(b) and under Parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private non-profit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile equipment, and may include professional and sub-professional services.

(b) The vocational needs of the students enrolled in private non-profit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational institution or educational authorities to the Commission shall indicate the number of students enrolled in private non-profit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(c) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide vocational educational services required by the students for whose needs the services were designed, and only when the services are not normally provided at the private school. The Commission or local educational institution or educational authorities providing vocational education services to students in private non-profit schools shall maintain administrative control and direction over such services, and each application from a local educational institution or educational authority providing such services shall so provide. Vocational education services provided with federal funds shall not include the payment of salaries of

teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(d) Any program or project to be carried out in public facilities and involving joint participation by students enrolled in private non-profit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by the school enrollment or religious affiliation of such children.

(7) Non-Commingling of Funds. Local and state educational institutions or educational authorities receiving payments for programs or projects for disadvantaged persons in non-profit private schools shall establish accounting procedures which assure that each expenditure of federal funds made available for cooperative programs can be separately identified.)

(4) The Commission will allot at least 10.5 percent of its allotted block grant for vocational education for handicapped persons. The State will use these funds to the maximum extent possible to assist handicapped persons to participate in regular vocational education programs.

(5) The Commission will allot at least 20.5 percent of its allotted block grant for the following purposes:

(a) Vocational education for disadvantaged persons (other than handicapped persons);

(b) Vocational education for persons who have limited English-speaking ability; and

(c) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs, except that no stipends are authorized for fiscal year 1978 pending identification of need.

(6) The State will use, to the maximum extent possible, the funds expended for disadvantaged persons and persons of limited English-speaking ability to enable these persons to participate in regular vocational education programs.

(7) The State will use the following formula in determining its expenditures of funds for vocational education for persons who have limited English-speaking ability:

(a) First determine the amount of Federal funds reserved for disadvantaged persons;

(b) Determine the population having limited English-speaking ability who are between the ages of 15 and 24 inclusively;

(c) Determine the total population of the State aged 15 to 24 inclusively;

(d) Divide step (b) by step (c);

(e) Multiply the quotient from step (d) by the total amount reserved for disadvantaged persons as indicated in step (a);

(f) Expend at least this amount for vocational education for persons having limited English-speaking ability. The amount expended for this purpose shall not exceed the total amount reserved for disadvantaged persons.

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 75-3, filed 12/15/75)

WAC 490-44A-050 MAINTENANCE OF EFFORT. (1) Federal funds made available under Part B of the Act will not supplant state or local funds, but will be so used as to supplement, and to the extent practical, increase the amount of state and local funds that would, in the absence of such federal funds, be made available for the purposes set forth in this Plan. No payments of federal funds under the Plan will be made in any fiscal year to any school or state educational institution or authority unless the Commission finds that the combined fiscal effort of that agency and the state with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year by more than five percent.

(2) Maintenance of Fiscal Effort at the State Level. The State will maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational education compared to the amount expended in the previous year.

(3) Five Percent Rule. Total State fiscal effort for vocational education in the preceding fiscal year shall not be considered reduced from the fiscal year effort of the second preceding fiscal year unless the aggregate expenditure in the preceding year is less than that in the second preceding fiscal year by more than five percent.

(4) Unusual Circumstance Rule. Any reduction in fiscal effort for any fiscal year by more than five percent will disqualify the State from receiving Federal funds unless the State is able to demonstrate to the satisfaction of the Commissioner the following:

(a) In the preceding fiscal year, the reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the State. Unusual circumstances may include unforeseen decreases in revenues due to the decline of the tax base;

(b) In the second preceding fiscal year, contributions of large sums of monies from outside sources were made; or

(c) In the second preceding fiscal year, large amounts of funds were expended for long-term purposes such as construction and acquisition of school facilities or the acquisition of capital equipment.

(5) Maintenance of Fiscal Effort at the Local Level. A local educational agency shall maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational education compared with the amount expended in the previous fiscal year.

(6) Withholding of Payments. The State will not make payment under this Act to a local educational agency unless the State finds that the combined fiscal effort of the State and local educational agency on a per student basis or on an aggregate basis of the local educational agency and the State, was not less than the combined fiscal effort in the second preceding fiscal year.

(7) Exceptions. The 5 percent rule applicable to the State and the unusual circumstances rule are also applicable to the local educational agencies.

(8) Maintenance of Fiscal Effort by Postsecondary Educational Institutions. A postsecondary educational institution shall maintain its fiscal effort on either a per student basis or on an aggregate basis for vocational education compared with the amount expended in the previous fiscal year.

(9) Withholding of Payments. The State will not make any payment under this Act to a postsecondary educational institution unless the State finds that the fiscal effort on a per student basis or on an aggregate basis of that institution, with respect to the provision of vocational education, was not less than the fiscal effort of that institution in the second preceding fiscal year.

(10) Exceptions. The 5 percent rule applicable to the State and the unusual circumstances rule are also applicable to postsecondary educational institutions.

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 repealed:

- WAC 490-44A-010 ALLOCATION OF FUNDS AMONG EDUCATIONAL AGENCIES
WAC 490-44A-020 ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES FOR PROGRAMS, SERVICES AND ACTIVITIES
WAC 490-44A-030 CONSTRUCTION REQUIREMENTS
WAC 490-44A-040 PROCEDURES FOR PROCESSING LOCAL APPLICATIONS FOR CONSTRUCTION
WAC 490-44A-060 OVERALL STATE MATCHING
WAC 490-44A-070 REASONABLE TAX EFFORT
WAC 490-44A-080 CRITERIA FOR DETERMINING RELATIVE PRIORITY OF LOCAL APPLICATIONS

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-48A-010 VOCATIONAL STUDENT ORGANIZATIONS. ((Leadership development in preparatory vocational programs

in secondary schools, vocational-technical institutes and community colleges will be made available to all students as an integral part of the instructional programs.

The leadership for the vocational student organizations will be provided by qualified staff of the Commission for Vocational Education. Leadership services will be available to both secondary and post-secondary level programs in the vocational student organizations identified as the Distributive Education Clubs of America, Future Business Leaders of America-Phi Beta Lambda, Future Farmers of America, Future Homemakers of America, and Vocational Industrial Clubs of America.)

(1) Funds may be used under the basic grant to support activities of vocational education student organizations which are described in the approved five-year State plan and annual program plan which are:

(a) An integral part of the vocational instruction offered; and
(b) Supervised by vocational education personnel who are qualified in the occupational area which the student organization represents.

(2) An integral part of vocational instruction includes:

(a) Training in an organized educational program which is directly related to the preparation of individuals for paid or unpaid employment in a career requiring other than a baccalaureate or higher degree; or

(b) Field or laboratory work incident to the vocational training and the cost of travel thereto; or

(c) Development and acquisition of instructional materials, supplies, and equipment for instructional services.

(3) An integral part of vocational instruction does not include:

(a) Lodging, feeding, conveying, or furnishing transportation to conventions or other forms of assemblage;

(b) Purchase of supplies, jackets, and other effects for students' personal ownership;

(c) Cost of non-instructional activities such as athletic, social, or recreational events;

(d) Printing and disseminating non-instructional newsletters;

(e) Purchase of awards for recognition of students, advisors, and other individuals; or

(f) Payment of membership dues.

(4) The CVE encourages student vocational organizations for the development of leadership. Federal funds may be used for activities that are an integral part of instruction. Eligible recipients are encouraged to increase the number of students participating in leadership development activities. State and local funds not used for matching of Federal funds or maintenance of effort requirements may be used for items (3)(a) through (3)(f).

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 490-52A-010 STATE RESEARCH COORDINATING UNIT
WAC 490-52A-020 EFFECTIVE USE OF RESULTS OF PROGRAM AND EXPERIENCE
WAC 490-52A-030 RESEARCH GRANT APPLICATION PROCEDURES

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 490-56A-010 FEDERAL FUNDING OF STATE PLAN
WAC 490-56A-020 APPLICATION PROCEDURES
WAC 490-56A-030 PROGRAM OR PROJECT REQUIREMENTS

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-60A-010 CONSUMER AND HOMEMAKING EDUCATION. ((@50)) (1) In addition to the provisions in the State Plan and elsewhere under this title, the following special provisions apply to consumer and homemaking education (hereinafter referred to as home and family life education) supported with federal funds under ((Part F)) Subpart V of the Act. ((@59 @60)) Order 75-3, § 490-60A-010, filed 12/18/75. Formerly WAC 490-60-010.))

(2) The funds available will be used in accordance with the approved five-year State plan and annual program plan, solely for:

- (a) Educational programs in consumer and homemaking; and
(b) Ancillary services.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-60A-020 ESTABLISHING AND OPERATING PROGRAMS. (1) State Operated. Does not apply to State of Washington at present.

(2) Locally Operated Programs.

(a) Submission of Applications. Applications shall describe the potential students for which the program is intended; identify the specific objectives in terms of competencies to be developed including: a description of planned instruction to meet objectives; the duration and intensity of training; and special facilities and equipment; indicate how, in the program of studies, consumer education is an integral part, professional leadership is encouraged and the study of homemaking has relevance to the dual role of homemakers and the employability of youth and adults and the program is designed for youth and adults who have entered or are preparing to enter the work of the home; and give evidence of greater consideration of the social and cultural conditions and needs, especially in economically depressed and bilingual areas; describe provisions for supervision, direction or coordination of planned extended learning experiences to home and/or community with assurance that the teacher load will be such that this essential phase of the vocational program be performed satisfactorily; indicate the extent of outside advice furnished concerning the proposed program; and describe provisions for follow-up of students and for general program evaluation; identify the priorities in Subsection V which will be the focus of the project.

(b) Procedure for Review of Applications. Applications shall be reviewed to assure that home and family life education programs give consideration to social and cultural conditions and needs, especially in economically depressed areas; are based on annual and long-range plans; encourage preparation for professional leadership; are designed for both male and female youth and adults who have entered or are preparing to enter the work of the home; are designed to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role of homemaker and wage earner; include consumer education as an integral part of the program; have adequate facilities and equipment; include accurate cost estimate; have adequate staff including supervision and/or coordination; and have a planned procedure for evaluation.

(c) Action on Applications. Staff action shall be by formal letter indicating action taken, application status, and subsequent action to be taken, if any.

(d) Required Allocation of Funds to Certain Areas. No less than one third of the federal funds allotted to the State of Washington under ((Part F of Public Law 90-576)) Subsection V, P.L. 94-482 shall be used for consumer and homemaking programs in economically depressed areas or areas of high rates of unemployment.

((e) Required Content of Program. Approved home and family life education programs shall be organized to meet the social and cultural conditions and needs of families to be served, especially the economically less advantaged; prepare for professional leadership in home economics; designed for youth and adults who have entered or are preparing to enter the work of the home; designed to prepare youth and adults for the role of homemaker or contribute to their employability in the dual role of homemaker-wage earner and the program will include consumer education as an integral part thereof.

(3) Ancillary Services and Activities.

(a) Administration and Supervision. The administration and professional staff shall include the Executive Director, Administrator for Program Development, and the Program Director of Home and Family Life Education with the staff sufficiently adequate to provide leadership and consultative services for Home and Family Life Education programs and activities under Part F, Section 161.

(b) Teacher Training Activities. Education for vocational home and family life education personnel will be maintained through programs conducted and/or recommended by the Commission for Vocational Education, designated institutions of higher education, and programs conducted by local education agencies in cooperation with the Commission for Vocational Education. Arrangements will be made through cooperative agreements with state institutions of higher learning and other qualified education agencies to provide for preservice and inservice education of vocational home and family life education personnel.

(c) Curriculum and Instructional Materials Development. The home and family life education staff at the state level shall coordinate efforts to improve existing, develop new, and disseminate curriculum and instructional materials as may be needed to attain the education goals

set forth in this State Plan for home and family life education. Contracts may be made with universities, colleges, and public or non-profit private agencies for development of curriculum. Curriculum and instructional materials developed under contract must be made available for statewide use.

(d) Research, Special Demonstration and Experimental Programs. Contracts may be made with local educational agencies or other public or non-profit private agencies, organizations or institutions for research to determine effective means for meeting the goals identified in the State Plan for home and family life education and special demonstration and experimental programs to serve as models and provide guidelines for similar programs in the state. Application for demonstration and experimental program grants and contracts will follow policies and procedures described in the State Plan. In addition, applications will be evaluated in terms of: consideration given to the social and cultural conditions and needs especially in economically depressed areas; design for youth or youth and adults who are preparing to enter the work of the home; design to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role, homemaker and wage earner; and inclusion of consumer education and nutritional knowledge as an integral part thereof.

(4) Provision of Equipment. Funds received under the Vocational Education Amendments of 1968 may be used for the acquisition of instructional equipment for special demonstration, experimental or new programs:))

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

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 490-60A-030 CONTENT OF PROGRAM. (1) Approved home and family life education programs shall be organized to meet the social and cultural conditions and needs of families to be served, especially the economically less advantaged; prepare for professional leadership in home economics; designed for youth and adults who have entered or are preparing to enter the work of the home; designed to prepare youth and adults for the role of homemaker or contribute to their employability in the dual role of homemaker-wage earner and the program will include consumer education as an integral part thereof.

(2) Educational Programs in Consumer and Homemaking.

(a) Educational programs in consumer and homemaking may be conducted at all educational levels (elementary, secondary, postsecondary or adult).

(b) Educational programs in consumer and homemaking consist of instructional programs, services, and activities for occupations of homemaking.

(c) Programs for the occupations of homemaking include (but are not limited to):

(i) Consumer education;

(ii) Food and nutrition;

(iii) Family living and parenthood education;

(iv) Child development and guidance;

(v) Housing and home management (including resource management); and

(vi) Clothing and textiles.

NEW SECTION

WAC 490-60A-040 ANCILLARY SERVICES. The state agencies to which program responsibilities have been delegated may use funds available under the Act to provide ancillary services, activities, and other means of assuring quality in all consumer and homemaking education programs. These ancillary services may include (but are not limited to):

(a) teacher training;

(b) teacher supervision;

(c) curriculum development;

(d) research;

(e) program evaluation;

(f) special demonstration and experimental programs;

(g) development of instructional materials;

- (h) exemplary projects;
- (i) provision of equipment; and
- (j) state administration and leadership.

Ancillary services for which said funds will be used will be set forth in the five-year State plan and the annual program plan by the agencies to which program responsibilities have been delegated.

NEW SECTION

WAC 490-60A-050 USE OF FEDERAL FUNDS ALLOCATED TO SUBSECTION V. (1) The State will use at least one-third of the funds available under section 150 of the Act to pay up to 90 percent of the cost of programs in economically depressed areas or areas with high rates of unemployment. These programs shall be designed to: Assist consumers; Help improve home environment; and Help improve the quality of family life. These programs will be identified by the agencies to which program responsibilities have been delegated.

(2) The State will use the remainder of the funds available under section 150 of the Act to pay up to 50 percent of the cost of educational programs in consumer and homemaking and ancillary services. These programs will be identified by the agencies to which program responsibilities have been delegated.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 490-64A-010 COOPERATIVE VOCATIONAL EDUCATION PROGRAMS
- WAC 490-64A-020 PROCEDURES FOR APPROVAL OF COOPERATIVE VOCATIONAL EDUCATION PROGRAMS
- WAC 490-64A-030 ADDITIONAL COSTS
- WAC 490-64A-040 PARTICIPATION OF STUDENTS IN NON-PROFIT PRIVATE SCHOOLS
- WAC 490-64A-050 NON-COMMINGLING OF FUNDS
- WAC 490-64A-060 LOCAL EVALUATION AND FOLLOW-UP PROCEDURES
- WAC 490-64A-070 ANCILLARY SERVICES AND ACTIVITIES

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 490-68A-010 WORK-STUDY PROGRAMS
- WAC 490-68A-020 APPROVAL OF WORK-STUDY PROGRAMS
- WAC 490-68A-030 REQUIREMENTS FOR WORK-STUDY PROGRAM
- WAC 490-68A-040 USE OF FUNDS FOR STATE PLAN DEVELOPMENT AND ADMINISTRATION

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 490-72A-010 RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS
- WAC 490-72A-020 PROCEDURES FOR ESTABLISHING RESIDENTIAL FACILITIES
- WAC 490-72A-030 REQUIREMENTS FOR CONSTRUCTION AND OPERATION
- WAC 490-72A-040 NOTIFICATION TO COMMISSIONER

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-76A-010 CUSTODY OF FEDERAL FUNDS. The title and official address of the officer who has legal authority to receive and hold proper custody of federal funds under ((P.L. 90-576)) P.L. 94-482, and in accordance with RCW 43.08.090,¹ and RCW 43.08.100² is: Washington State Treasurer, Legislative Building, Olympia, Washington 98504 (Reg. 102.37).

NOTES:

¹ 43.08.090. FISCAL AGENT FOR STATE. The state treasurer shall be ex officio the fiscal agent of the state. (1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.)"

² 43.08.100. FISCAL AGENT FOR STATE—DUTIES OF FISCAL AGENT. The fiscal agent of the state shall receive all monies due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all monies that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law. (1965 c 8 § 43.08.100. Prior: (i) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.)"

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 75-3, filed 12/15/75)

WAC 490-76A-020 EXPENDITURE OF FEDERAL FUNDS. The official title of the officer who has authority to authorize expenditures under the State Plan is the Executive Director of the Commission for Vocational Education (RCW 28A.09.070, 28A.09.080 and 28C.04.200). The policies and procedures to be followed by the state in allocating federal funds allotted under P.L. 90-576 for programs, services and activities are determined in accordance with the educational needs for vocational training as detailed in the annual and long-range plans as prepared in consultation with the State Advisory Council and as approved by the Commission. ((P.L. 90-576, Sec. 123(a); Reg. 102.31(a);)) (P.L. 94-482).
(NOTES:

~~RCW 1.16.020. "Fiscal Biennium." The fiscal biennium of the state shall commence on the first day of July in each odd-numbered year and end on the thirtieth day of June of the next succeeding odd-numbered year. (1953 c 184 § 2; 1923 c 86 § 1; RRS § 10927.)~~

~~RCW 1.16.030. "Fiscal Year"—School Districts and other Taxing Districts. June 30th shall end the fiscal year of school districts and December 31st of all other taxing districts. (1909 c 76 § 13; RRS § 9963.)~~

~~RCW 43.88.130. "When Contracts and Expenditures Prohibited." No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose. Provided, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void. (1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.)~~

~~RCW 43.88.220. "Federal Law Controls in Case of Conflict—Rules." If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. (1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.)~~

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

NEW SECTION

WAC 490-77-010 ENERGY EDUCATION. (1) Applications by Postsecondary Educational Institutions.

(a) Grants may be made to postsecondary educational institutions upon application by the postsecondary educational institution through the established application process.

(b) The application shall describe with particularity a program for the training of miners, supervisors, and technicians (particularly safety personnel), and environmentalists in the field of coal mining and coal mining technology, including provision for supplementary demonstration projects or short-term seminars, which program may include curricula such as:

- (i) Extraction, preparation, and transportation of coals;
- (ii) Reclamation of coal mined land;

(iii) Strengthening of health and safety programs for coal mine employees;

(iv) Disposal of coal mine wastes; and

(v) Chemical and physical analysis of coal and materials, such as water and soil, that are involved in the coal mining process.

(c) Postsecondary educational institutions may use funds for the acquisition of equipment necessary for the conduct of these programs.

(2) Solar Energy. Applications by postsecondary institutions will also be considered for:

(a) Training of individuals needed for the installation of solar energy equipment; and

(b) Training necessary for the installation of:

(i) Glass paneled solar collectors;

(ii) Wind energy generators; and

(iii) Other related applications of solar energy.

NEW SECTION

WAC 490-78-010 VOCATIONAL RELATED INSTRUCTION FOR APPRENTICES. (1) Vocational related and supplemental instruction for apprentices shall mean both practical and theoretical instruction. This instruction shall be organized to provide the apprentice with the necessary skills and knowledge of the trade as determined by the local joint apprentice and training committee (JATC) which has been registered with the Washington State Apprenticeship Council in accordance with Chapter 49.04 RCW. When apprenticeship-related instruction is offered in any educational system, the JATC will provide the following assurances:

(a) Apprentice involved in apprenticeable occupation must be at least 16 years of age, except where higher minimum age is otherwise specified in the Apprenticeship Standards.

(b) The apprentice and the program are both registered under the apprenticeship law of the state in which the apprentice is employed or resides. An exception to this will be where the program and the apprentice are registered with the Bureau of Apprenticeship and Training, United States Department of Labor, under nationally approved standards. (Reference Apprenticeship Act RCW 49.04).

NEW SECTION

WAC 490-79-010 VOCATIONAL EDUCATION DATA AND OCCUPATIONAL INFORMATION DATA SYSTEMS. (1) Establishment of the State Occupational Information Coordinating Committee. In accordance with P.L. 94-482 the Commission for Vocational Education assures the establishment of Washington State Occupational Information Coordinating Committee.

The Washington State Occupational Information Coordinating Committee shall be composed of the following statutory members:

(a) The Washington State Commission for Vocational Education;

(b) The Washington State Department of Employment Security;

(c) The Office of Community Development;

(d) The Department of Social and Health Services, Division of Vocational Rehabilitation; and

(e) Other ex-officio non-voting members may be appointed at the discretion of a majority of the statutory members.

(2) Source of Funding.

(a) The State Occupational Information Coordinating Committee is the recipient of funds allocated by the National Occupational Information Coordinating Committee for the purpose of implementing the duties as prescribed by the National Occupational Information Coordinating Committee.

(b) The State Occupational Information Coordinating Committee promulgates policies, rules and regulations pertaining to its operation.

(3) Duties of the State Occupational Information Coordinating Committee.

(a) The State Occupational Information Coordinating Committee shall implement an occupational information system in the State which will meet the common needs for the planning for, and operation of, programs of the Commission assisted under this Act and of the administering agencies under the Comprehensive Employment and Training Act.

(b) The State Occupational Information Coordinating Committee shall use funds received from the National Occupational Information Coordinating Committee in accordance with the standards adopted by the National Occupational Information Coordinating Committee.

NEW SECTION

WAC 490-80-010 DEVELOPMENT OF FIVE-YEAR STATE PLAN. (1) Submission of Five-Year State Plan. Any State desiring to receive funds under the Act shall submit to the Commissioner a five-year State plan by:

(a) July 1, 1977, for fiscal years 1978 through 1982; and

(b) July 1, 1982, for fiscal years 1983 through 1987.

(2) Representation Required in the Development of the Five-Year State Plan. In formulating its five-year State plan, the Commission is required to involve the active participation of a representative of:

(a) The State agency having responsibility for secondary vocational education programs, designated by that agency;

(b) The State agency, if a separate agency exists, having responsibility for postsecondary vocational education programs, designated by that agency;

(c) The State agency, if a separate agency exists, having responsibility for community and junior colleges, designated by that agency;

(d) The State agency, if a separate agency exists, having responsibility for institutions of higher education in the State, designated by that agency;

(e) A local school board or committee as designated by the appropriate appointing authority under State law;

(f) Vocational education teachers, as designated by the appropriate appointing authority under State law;

(g) Local school administrators, as designated by the appropriate appointing authority under State law;

(h) The State Manpower Services Council appointed under the authority of section 107(a)(2)(A)(1) of the Comprehensive Employment and Training Act of 1973, designated by that Council;

(i) The State agency or commission responsible for comprehensive planning in postsecondary education, which planning reflects programs offered by public, private nonprofit, and proprietary institutions, and includes occupational programs at a less-than-baccalaureate degree level, if a separate agency or commission exists, designated by that agency or commission; and

(j) The State advisory council on vocational education, designated by that council.

(3) Meetings of Participating Representatives. The CVE shall establish prior to formulating the State plan, a committee composed of individuals designated by the agencies under section 107A through J (P.L. 94-482). The committee shall be designated the State Plan Planning Committee and shall meet at least four times during the development of the five-year State plan.

(a) First meeting: To plan for the development of the first draft of the five-year State plan;

(b) Second meeting: To consider the first draft of the five-year State plan;

(c) Third meeting: To consider the draft of the five-year State plan after it has been rewritten to reflect the results of the second meeting of the planning group; and

(d) Fourth meeting: To recommend for adoption the final five-year State plan.

(4) State Board Adoption of the Five-Year State Plan.

(a) The State plan planning committee shall recommend for adoption to CVE the final five-year State plan. If the majority of the members cannot recommend adoption, the Commission will make a final decision.

(b) The CVE shall include in the five-year plan any recommendations which are rejected by the CVE, and its source, by naming the individual and agency or council and reasons for the rejection of the recommendation.

(5) Public Hearings on the Five-Year State Plan.

(a) The CVE and/or its staff shall conduct a series of public hearings in formulating the five-year State plan. This series of public hearings shall be conducted:

(i) Prior to adoption of the five-year plan;

(ii) After sufficient public notice to all segments of the population;

(iii) Through all regions of the State.

(b) The purpose of these public hearings is to provide all segments of the population of the State to give their views on:

(i) The goals which ought to be adopted in the State plan;

(ii) The programs to be offered under the State plan;

(iii) The allocation of responsibility for programs and courses among the various levels of education and institutions in the State.

(iv) The allocation of local, State and Federal resources to meet these goals.

(c) The Commission shall summarize the views expressed in the public hearing and distribute the summary to the State plan planning committee and Commission for their comment and deliberations.

(6) Certification of Plans. The five-year State plan, annual plan and accountability report shall include as attachments the following certifications:

- (a) Certification by the State attorney general;
 - (b) Certification of involvement of designated agencies;
 - (c) Certification of delegation;
 - (d) Certification of public hearings;
 - (e) Certification of local advisory councils;
 - (f) Certification of consultation with state advisory council;
 - (g) Certification by full-time personnel of opportunity to review the plans;
 - (h) Certification of adoption by State board.
- (7) Content of Five-Year State Plan. The Commission shall submit the five-year State plan to the Commissioner through the HEW Regional Office, by July 1 preceding the beginning of the first fiscal year for which the plan is to take effect. The plan shall be composed of the following two parts:
- (a) Procedures for carrying out assurances of the application;
 - (b) Program provisions as required in 104.183-104.188.

NEW SECTION

WAC 490-81-010 ELIMINATION OF SEX DISCRIMINATION, BIAS AND STEREOTYPING FROM VOCATIONAL EDUCATION. (1) Designation of Full-Time Personnel to Eliminate Sex Bias. The Commission will assign personnel to work full time to assist the Commission in fulfilling the purposes of the Act concerned with:

- (a) Furnishing equal educational opportunities in vocational education programs to persons of both sexes; and
- (b) Eliminating sex discrimination and sex stereotyping from all vocational education programs.

(2) Funds for Full-Time Personnel and Functions. The Commission will reserve at least \$50,000 in each fiscal year from funds available under basic grants to support the personnel working full time to carry out the functions in 104.75, and shall be used for:

- (a) Salaries for full-time professional staff;
- (b) Salaries for support staff; and
- (c) Travel and other expenses directly related to the support of personnel carrying out the above functions.

(3) Functions of Full-Time Personnel.

(a) Take action necessary to create awareness of programs and activities in vocational education designed to reduce sex stereotyping in all vocational education programs;

(b) Gather, analyze and disseminate data on the status of men and women students and employees in vocational education programs of the State;

(c) develop and support actions to correct problems brought to the attention of this personnel through activities carried out under paragraph (b) and subsection 104.76;

(d) Review the distribution of grants by the State board to assure that the interests and needs of women are addressed in all projects assisted under this Act;

(e) Review all vocational education programs in the State for sex bias;

(f) Monitor the implementation of laws prohibiting sex discrimination in all hiring, firing and promotion procedures within the State relating to vocational education;

(g) Assist local educational agencies and other interested parties in the State in improving vocational education opportunities for women;

(h) Make available to the Commission, the State Advisory Council, the National Advisory Council on Vocational Education, the State Commission on the Status of Women, the Commissioner, and the general public information developed under this section; and

(i) Review and submit recommendations with respect to overcoming sex bias and sex stereotyping in vocational education programs for the five-year State plan and its annual program plan prior to their submission to the Commission for approval.

(4) The Commission for Vocational Education will assure that corrective actions are taken, priorities and incentives developed for the elimination of sex discrimination, bias and stereotyping as it pertains to vocational education; e.g.:

- (a) Contracts for the purpose of funding exemplary and innovative projects shall give priority to programs and projects designed to reduce sex stereotyping in vocational education.

(b) Publicity will be given to eligible recipients whose programs have successfully demonstrated overcoming sex stereotyping and sex bias.

(c) Priority will be given to new programs of vocational education that include provisions to eliminate sex bias and sex stereotyping.

(d) Priority will be given to work experience and cooperative education programs that place students in nontraditional work experiences.

(e) Where program maintenance is necessary, priority will be given to programs that include provisions to eliminate sex bias and sex stereotyping.

(f) Priority will be given to the development of curriculum and guidance and testing materials that encourage the enrollment of both men and women in nontraditional courses of study.

(g) Priority will be given for the purpose of funding exemplary and innovative projects which will provide support services for women or men who enter programs designed to prepare individuals for employment in jobs which have been, for the most part, traditionally limited to either men or women exclusively, including counseling as to the nature of such programs and the difficulties which may be encountered by men and women in such programs, and job development and job follow-up services.

(h) Priority will be given to programs designed to meet the needs of persons described in section 120(b)(1)(L) of title II of Education Amendments of 1976, including special courses for such persons in learning how to seek employment, and placement services for such graduates of vocational education programs and courses.

(i) Priority will be given to support programs or projects designed to improve the qualifications of persons serving or preparing to serve in vocational education programs that contain provisions to overcome sex bias and stereotyping in vocational education.

(j) Priority will be given to occupational home economics programs which provide day care services for children of students in secondary and postsecondary vocational education programs.

(k) Priority will be given to guidance and counseling training which is designed to acquaint guidance counselors with:

- (i) the changing work patterns of women;
- (ii) ways of effectively overcoming occupational sex stereotyping, and

(iii) ways of assisting girls and women in selecting careers solely on their occupational needs and interests, and to develop improved career counseling materials which are free.

(5) Studies to Carry Out Functions. Program improvement and supportive services funds may be used to support studies necessary to carry out the responsibility of staff assigned to bring the elimination of sex bias and sex stereotyping about in vocational education.

NEW SECTION

WAC 490-81-020 POLICIES FOR ERADICATING SEX DISCRIMINATION. The Commission policy is that goals, objectives, priorities submitted in the five-year Plan and Annual Program Plan will include the following:

(1) Actions to be taken to overcome sex discrimination and stereotyping in all programs;

(2) Incentives adopted for eligible recipients to:

(a) Encourage enrollment of men and women in non-traditional occupations;

(b) Develop model programs to reduce sex stereotyping in all occupations.

(3) Set forth a program to assess and meet the needs of displaced homemakers and other special groups of men and women. These programs shall include courses for these persons to learn to seek employment, and placement services for these persons once they complete the vocational program.

NEW SECTION

WAC 490-81-030 SUPPORT SERVICES FOR WOMEN. (1) Use of Funds. The Commission may allocate funds under its basic grant when included in its approved five-year State plan and annual program plan for support services for women who enter vocational education programs designed to prepare individuals for employment in jobs which have been traditionally limited to men.

(2) Types of Support Services. Support services to be provided may include:

(a) Counseling. Counseling women entering and enrolled in non-traditional programs on the nature of these programs and the difficulties which may be encountered by women in these programs. Counselors may furnish supportive services to assist students in adjusting to the new employment requirements.

(b) Job Development. Programs and activities in the area of job development include the provision of materials and information concerning the world of work which present women students in non-traditional programs the options, opportunities, and range of jobs available in these non-traditional fields. Job development support services may also be carried out through bringing persons employed in these non-traditional fields into the schools, as well as providing opportunities for women students to visit the work place of business and industry so as to afford them a clear understanding of the nature of the work, including an understanding of the work setting in which these jobs are performed.

(c) Job follow-up support. Support services may be provided to assist women students in finding employment relevant to their training and interests. Follow-up services may be provided to assist students in the work force, and dealing with barriers which women face in working in these non-traditional areas.

(3) Support to Increase Number of Women Instructors. In funding programs and activities of support services for women, funds may be used to increase the number of women instructors involved in the training of individuals in programs which have traditionally enrolled mostly males, so as to provide supportive examples for these women who are preparing for jobs in these non-traditional areas of employment.

NEW SECTION

WAC 490-81-040 VOCATIONAL EDUCATION PROGRAMS FOR DISPLACED HOMEMAKERS AND OTHER SPECIAL GROUPS. (1) Use of Funds. The Commission will allocate funds under its basic grant in accordance with the five-year State plan and annual program plan to provide vocational education programs for the following special groups:

(a) Persons who had been homemakers but who now, because of dissolution of marriage, must seek employment;

(b) Persons who are single heads of households and who lack adequate job skills;

(c) Persons who are currently homemakers and part-time workers but who wish to secure a full-time job; and

(d) Women who are now in jobs which have been traditionally considered jobs for females and who wish to seek employment in job areas which have not been traditionally considered as job areas for females, and men who wish to seek employment in job areas which have not been traditionally considered as job areas for males.

(2) Scope of Programs. The appropriate State agency shall fund programs, in accordance with the policies and procedures described in its five-year State plan. These programs shall include:

(a) Organized educational programs necessary to prepare these special groups for employment, including the acquisition, maintenance and repair of instructional supplies;

(b) Special courses preparing these individuals in how to seek employment; and

(c) Provision of placement service for the graduate of these programs.

NEW SECTION

WAC 490-81-050 ASSISTANCE IN OVERCOMING SEX BIAS. (1) Purpose. The Commission may fund projects which show promise of overcoming sex stereotyping and sex bias in vocational education. Such activities will be funded on either a grant basis or contract basis.

(2) Conformity with Five-Year State Plan. The Commission may allocate funds through the RCU funds to support projects to overcome sex bias in vocational education programs, as approved in the five-year State plan and annual program plan.

(3) Types of Projects. The types of projects funded may include but not be limited to the following:

(a) Research projects on ways to overcome sex bias and sex stereotyping in vocational education programs;

(b) Development of curriculum materials free of sex stereotyping;

(c) Development of criteria for use in determining whether curriculum materials are free from sex stereotyping;

(d) Examination of current curriculum materials to assure that they are free of sex stereotyping.

(e) Training to acquaint guidance counselors, administrators, and teachers with ways of:

(1) Effectively overcoming sex bias; and

(2) Assisting girls and women in selecting careers.

NEW SECTION

WAC 490-82-010 FISCAL AND GENERAL APPLICATION REQUIREMENTS. (1) In order to participate in programs authorized under the Act, the State board for vocational education must submit to, and maintain on file with, the Commissioner a general application.

(2) This general application shall contain the following 12 assurances; of these, ten are set forth in section 106(a) of Act:

(a) that the State will provide for such methods of administration as are necessary for the proper and efficient administration of the Act;

(b) that the State board will cooperate with the State advisory council on vocational education in carrying out its duties pursuant to section 105 and with the agencies, councils, and individuals specified in sections 107 and 108 to be involved in the formulation of the five-year State plan and of the annual program plans and accountability reports;

(c) that the State will comply with any requests of the Commissioner for making such reports as the Commissioner may reasonably require to carry out his functions under this Act;

(d) that funds will be distributed to eligible recipients on the basis of annual applications which

(A) have been developed in consultation (i) with representatives of the educational and training resources available in the area to be served by the applicant and (ii) with the local advisory council required to be established by this Act to assist such recipients,

(B)(i) describe the vocational education needs of potential students in the area or community served by the applicant and indicate how, and to what extent, the program proposed in the application will meet such needs, and (ii) describe how the findings of any evaluations of programs operated by such applicant during previous years, including those required by this Act, have been used to develop the program proposed in the application,

(C) describe how the activities proposed in the application relate to manpower programs conducted in the area by a prime sponsor established under the Comprehensive Employment and Training Act of 1973, if any, to assure a coordinated approach to meeting the vocational education and training needs of the area or community, and

(D) describe the relationship between vocational education programs proposed to be conducted with funds under this Act and other programs in the area or community which are supported by State and local funds;

And that any eligible recipient dissatisfied with final action with respect to any application for funds under this Act shall be given reasonable notice and opportunity for a hearing;

(e)(A) that the State shall, in considering the approval of such applications, give priority to those applicants which

(i) are located in economically depressed areas and areas with high rates of unemployment, and are unable to provide the resources necessary to meet the vocational education needs of those areas without Federal assistance, and

(ii) propose programs which are new to the area to be served and which are designed to meet new and emerging manpower needs and job opportunities in the area and, where relevant, in the State and the Nation; and

(B) that the State shall, in determining the amount of funds available under this Act which shall be made available to those applicants approved for funding, base such distribution on economic, social and demographic factors relating to the needs for vocational education among the various populations and the various areas of the State, except that

(i) the State will use as the two most important factors in determining this distribution (I) in the case of local educational agencies, the relative financial ability of such agencies to provide the resources necessary to meet the need for vocational education in the areas they service and the relative number or concentration of low-income families or individuals within such agencies, and (II) in the case of other eligible recipients, the relative financial ability of such recipients to provide the resources necessary to initiate or maintain vocational education programs to meet the needs of their students and the relative number or concentration of students whom they serve whose education

imposes higher than average costs, such as handicapped students, students from low-income families, and students from families in which English is not the dominant language; and

(ii) the State will not allocate such funds among eligible recipients within the State on the basis of per capita enrollment or through matching of local expenditures on a uniform percentage basis, or deny funds to any recipient which is making a reasonable tax effort solely because such recipient is unable to pay the non-Federal share of the cost of new programs;

(f) that Federal funds made available under this Act will be so used as to supplement, and to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the Act, and in no case supplant such State or local funds;

(g) that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to secure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act);

(h) that funds received under this Act will not be used for any program of vocational education (except personnel training programs under section 135, renovation programs under subpart 4 of part B, and homemaking programs under subpart 5 of this part) which cannot be demonstrated to prepare students for employment, be necessary to prepare individuals for successful completion of such a program, or be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice as an integral part of a program of orientation and preparation;

(i) that the State has instituted policies and procedures to insure that copies of the State plan and annual program plan and accountability report and all statements of general policies, rules, regulations, and procedures issued by the State board and by any State agencies to which any responsibility is delegated by the State board concerning the administration of such plan and report will be made reasonably available to the public; and

(j) that the funds used for purposes of section 110(a) are consistent with the State plan submitted pursuant to section 613(a) of the Education of the Handicapped Act.

(k) The State board shall also assure that it will cooperate with the Administrator of the National Center for Education Statistics, HEW, in supplying information and complying in its reports with the information elements and definition requirements, as specified in section 161(a) of the Act.

(l) The State board shall also assure that students served by Indian tribal organizations applying for or receiving funds under the Commissioner's discretionary programs under authority of section 103(a)(1)(B) of the Act, shall be afforded the opportunity to participate in vocational education programs administered by the State.

NEW SECTION

WAC 490-82-020 APPLICATION OF FEDERAL REQUIREMENTS. (1) Federal vocational education funds shall be used solely to carry out the purposes of the Vocational Education Act, the regulations and the State plan. All expenditures of Federal funds are subject to the conditions and requirements of the Act and regulations.

(2) Federal funds shall be used to share only in expenditures which are made in accordance with: (1) Assurances of the general application; (2) Five-year State plan; and (3) Annual program plan.

(3) State and local funds which are applied to the matching requirements and maintenance of efforts requirements of the Act are subject to the conditions and requirements of the Act, regulations, and five-year State plan and annual program plan. This means that every program or activity supported in whole or in part by State or local funds which are used to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

(4) Only actual expenditures of State and local funds shall be accepted as part of the State's matching and maintenance of effort requirements. This means that in-kind contributions shall not be used as part of the State's matching and maintenance of effort requirements. (Requirements of 45 CFR 100b.92(b) of GEPR shall not apply to this program.)

NEW SECTION

WAC 490-82-030 FEDERAL-STATE SHARE OF EXPENDITURES—ANNUAL PROGRAM PLAN. (1) The Commission will

pay to each delivery system agency an amount not to exceed 50 percent of the cost of carrying out its annual program plan.

(2) The State's matching share of expenditures under the annual program plan may be on a State-wide basis.

(3) Except for the fiscal requirements for the national priority programs, it is not necessary that Federal funds be matched by non-Federal funds for each purpose and program under the Act.

NEW SECTION

WAC 490-82-040 FEDERAL SHARE OF EXPENDITURES—NATIONAL PRIORITY PROGRAMS. (1) The Federal share will not exceed 50 percent of the excess cost (i.e., costs of special educational and related services above the costs for non-handicapped students) of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for handicapped persons.

(2) The Federal share will not exceed 50 percent of:

(a) The excess cost (i.e., costs of special educational and related services above the costs for non-disadvantaged persons) of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for disadvantaged persons (other than handicapped persons);

(b) The excess cost (i.e., costs of special education and related services above the costs for persons who are not classified as persons of "limited English-speaking ability") of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for persons who have limited English-speaking ability; and

(c) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

NEW SECTION

WAC 490-82-050 ALLOWABLE EXPENDITURES FOR VOCATIONAL EDUCATION FOR NATIONAL PRIORITY PROGRAMS. The State shall use the funds allotted for national priority programs only for expenditures which are attributable to vocational education programs, services, and activities described in WAC 490-82-040.

NEW SECTION

WAC 490-82-060 FEDERAL SHARE OF EXPENDITURES—100 PERCENT PAYMENTS. (1) The Federal share paid to the State may be an amount up to 100 percent of the cost of:

(a) Cooperative vocational education programs for students enrolled in non-profit private schools;

(b) Exemplary and innovative programs for students enrolled in non-profit private schools; and

(c) Special programs for disadvantaged persons in areas of the State which have high concentrations of youth unemployment and school dropouts, excluding State administration and ancillary services.

NEW SECTION

WAC 490-82-070 FEDERAL SHARE OF EXPENDITURES—STATE ADMINISTRATION. (1) The Commission will use, from the funds allotted pursuant to section 102(a) of the Act, up to 50 percent of the cost of administration of the five-year State plan and annual program plan, except as indicated in paragraphs (2) and (3).

(2) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 is up to 80 percent and in fiscal year 1979 is up to 60 percent.

(3) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 may be in excess of 80 percent under the following conditions:

(a) State and local expenditures for vocational education in a State for the latest fiscal year for which reliable data are available preceding fiscal year 1978 exceed the Federal expenditures for vocational education in that State by ten times. For example, if the Federal allocation in fiscal year 1977 is \$2 million, the aggregate of State and local expenditures must be greater than \$20 million; and

(b) The Commissioner determines that the costs of administration of the five-year State plan and annual program plan in fiscal year 1977 were necessary for the proper and efficient performance of the State's duties under the Act; and

(c) The Commissioner determines that the 80 percent ceiling on the Federal share of the cost of administration is insufficient to meet the needs of the State.

(4) The State shall use the following computation in determining its expenditure of Federal funds under paragraph (1) for administration of the five-year plan and annual program plan;

(a) Not more than 80 percent of the total amount used for State administration shall be made from the basic grant in subpart 2;

(b) Not more than 20 percent of the total amount used for State administration shall be made from program improvement and supportive services in subpart 3.

(5) The computation in paragraph (4) of this section does not require the State to use administrative funds in an 80/20 ratio between subpart 2 and subpart 3 activities. The State may use its administrative funds in whatever distribution best meets its needs.

NEW SECTION

WAC 490-82-080 FEDERAL SHARE OF EXPENDITURES—LOCAL ADMINISTRATION. (1) The Commission will pay, from the funds allotted pursuant to section 102(a) of the Act, a part of the costs of supervision and administration of vocational education programs carried out by an eligible recipient.

(2) The eligible recipient shall use either the method set forth in subparagraph (a) or subparagraph (b) of this paragraph in determining the payment of local administrative costs.

(a) The percentage of Federal funds used by an eligible recipient for the costs of supervision and administration of vocational education programs may be no greater than the percentage of Federal funds used to support the total vocational education program carried out by the eligible recipient. For example, the total cost of the vocational education program of the eligible recipient is \$100,000 and the Federal contribution to this eligible recipient is \$25,000, or 25 percent of the total. If local administrative costs are \$10,000, then up to 25 percent of this amount, or \$2,500 may be charged against the Federal funds.

(b) Up to 50 percent of the cost of supervision and administration of the vocational education program of the eligible recipient may be charged to the Federal funds: Provided, That State funds match the Federal funds dollar for dollar. State funds used to match Federal funds shall be specifically made available for the purpose of local administration. For example, if the total cost of local administration is \$10,000, then up to \$5,000 may be charged to the Federal funds as long as the State contributes the same amount from a specific State appropriation.

(3) The State shall use the following computation in determining the amount of Federal funds available for the costs of local supervision and administration:

(a) Not more than 80 percent of the total amount used for supervision and administration by eligible recipients shall be made from the basic grant in subpart 2.

(b) Not more than 20 percent of the total amount used for supervision and administration by eligible recipients shall be made from program improvement and supportive services in subpart 3.

(4) The computation in paragraph (3) of this section does not require the State to use administrative funds in an 80/20 ratio between subpart 2 and subpart 3 activities. The State may use its administrative funds in whatever proportion best meets its needs.

NEW SECTION

WAC 490-82-090 MINIMUM PERCENTAGE FOR POST-SECONDARY AND ADULT. The Commission will allot at least 15 percent of its block grant for vocational education for:

(1) Postsecondary programs for:

(a) Persons who have completed or left high school;

(b) Who are enrolled in organized programs of study for which credit is given toward an associate or other degree; and

(c) Who are not enrolled in programs designed as baccalaureate or higher degree programs.

(2) Adult programs for:

(a) Persons who have already entered the labor market;

(b) Persons who are unemployed; or

(c) Persons who have completed or left high school and who are enrolled in organized programs of study for which credit is not given toward an associate or other degree.

NEW SECTION

WAC 490-82-100 EXPENDITURES FOR PROGRAMS IN SECONDARY SCHOOLS. The State will expend from its allotment for the basic grant (subpart 2) at least the same amount of Federal funds for programs in secondary schools during fiscal years 1978 and 1979 as it had expended during fiscal years 1975 and 1976.

NEW SECTION

WAC 490-83-010 APPLICATION OF FEDERAL REQUIREMENTS. (1) Federal vocational education funds shall be used solely to carry out the purposes of the Vocational Education Act, the regulations and the State plan. All expenditures of Federal funds are subject to the conditions and requirements of the Act and regulations.

(2) Federal funds shall be used to share only in expenditures which are made in accordance with: (a) Assurances of the general application; (b) Five-year State plan; and (c) Annual program plan.

(3) State and local funds which are applied to the matching requirements and maintenance of efforts requirements of the Act are subject to the conditions and requirements of the Act, regulations, and five-year State plan and annual program plan. This means that every program or activity supported in whole or in part by State or local funds which are used to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

(4) Only actual expenditures of State and local funds shall be accepted as part of the State's matching and maintenance of effort requirements. This means that in-kind contributions shall not be used as part of the State's matching and maintenance of effort requirements. (Requirements of 45 CFR 100b.92(b) of GEPR shall not apply to this program.)

NEW SECTION

WAC 490-83-020 FEDERAL-STATE SHARE OF EXPENDITURES—ANNUAL PROGRAM PLAN (1) The Commission will pay to each delivery system agency an amount not to exceed 50 percent of the cost of carrying out its annual program plan.

(2) The State's matching share of expenditures under the annual program plan may be on a State-wide basis.

(3) Except for the fiscal requirements for the national priority programs, it is not necessary that Federal funds be matched by non-Federal funds for each purpose and program under the Act.

NEW SECTION

WAC 490-83-030 FEDERAL SHARE OF EXPENDITURES—NATIONAL PRIORITY PROGRAMS. (1) The Federal share will not exceed 50 percent of the excess cost (i.e., costs of special educational and related services above the costs for non-handicapped students) of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for handicapped persons.

(2) The Federal share will not exceed 50 percent of:

(a) The excess cost (i.e., costs of special educational and related services above the costs for non-disadvantaged persons) of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for disadvantaged persons (other than handicapped persons);

(b) The excess cost (i.e., costs of special education and related services above the costs for persons who are not classified as persons of "limited English-speaking ability") of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for persons who have limited English-speaking ability; and

(c) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

NEW SECTION

WAC 490-83-040 ALLOWABLE EXPENDITURES FOR VOCATIONAL EDUCATION FOR NATIONAL PRIORITY PROGRAMS. The State shall use the funds allotted for national priority programs only for expenditures which are attributable to vocational education programs, services, and activities described in WAC 490-83-030.

NEW SECTION

WAC 490-83-050 FEDERAL SHARE OF EXPENDITURES—100 PERCENT PAYMENTS. (1) The Federal share paid to the State may be an amount up to 100 percent of the cost of:

- (a) Cooperative vocational education programs for students enrolled in non-profit private schools;
- (b) Exemplary and innovative programs for students enrolled in non-profit private schools; and
- (c) Special programs for disadvantaged persons in areas of the State which have high concentrations of youth unemployment and school dropouts, excluding State administration and ancillary services.

NEW SECTION

WAC 490-83-060 FEDERAL SHARE OF EXPENDITURES—STATE ADMINISTRATION. (1) The Commission will use, from the funds allotted pursuant to section 102(a) of the Act, up to 50 percent of the cost of administration of the five-year State plan and annual program plan, except as indicated in paragraphs (2) and (3).

(2) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 is up to 80 percent and in fiscal year 1979 is up to 60 percent.

(3) The Federal share of the cost of administration of the five-year State plan and annual program plan in fiscal year 1978 may be in excess of 80 percent under the following conditions:

(a) State and local expenditures for vocational education in a State for the latest fiscal year for which reliable data are available preceding fiscal year 1978 exceed the Federal expenditures for vocational education in that State by ten times. For example, if the Federal allocation in fiscal year 1977 is \$2 million, the aggregate of State and local expenditures must be greater than \$20 million; and

(b) The Commissioner determines that the costs of administration of the five-year State plan and annual program plan in fiscal year 1977 were necessary for the proper and efficient performance of the State's duties under the Act; and

(c) The Commissioner determines that the 80 percent ceiling on the Federal share of the cost of administration is insufficient to meet the needs of the State.

(4) The State shall use the following computation in determining its expenditure of Federal funds under paragraph (1) for administration of the five-year plan and annual program plan;

(a) Not more than 80 percent of the total amount used for State administration shall be made from the basic grant in subpart 2;

(b) Not more than 20 percent of the total amount used for State administration shall be made from program improvement and supportive services in subpart 3.

(5) The computation in paragraph (4) of this section does not require the State to use administrative funds in an 80/20 ratio between subpart 2 and subpart 3 activities. The State may use its administrative funds in whatever distribution best meets its needs.

NEW SECTION

WAC 490-83-070 FEDERAL SHARE OF EXPENDITURES—LOCAL ADMINISTRATION. (1) The Commission will pay, from the funds allotted pursuant to section 102(a) of the Act, a part of the costs of supervision and administration of vocational education programs carried out by an eligible recipient.

(2) The eligible recipient shall use either the method set forth in subparagraph (a) or subparagraph (b) of this paragraph in determining the payment of local administrative costs.

(a) The percentage of Federal funds used by an eligible recipient for the costs of supervision and administration of vocational education programs may be no greater than the percentage of Federal funds used to support the total vocational education program carried out by the eligible recipient. For example, the total cost of the vocational education program of the eligible recipient is \$100,000 and the Federal contribution to this eligible recipient is \$25,000, or 25 percent of the total. If local administrative costs are \$10,000 then up to 25 percent of this amount, or \$2,500 may be charged against the federal funds.

(b) Up to 50 percent of the cost of supervision and administration of the vocational education program of the eligible recipient may be charged to the Federal funds: Provided, That State funds match the Federal funds dollar for dollar. State funds used to match Federal funds shall be specifically made available for the purpose of local administration. For example, if the total cost of local administration is

\$10,000, then up to \$5,000 may be charged to the Federal funds as long as the State contributes the same amount from a specific State appropriation.

(3) The State shall use the following computation in determining the amount of Federal funds available for the costs of local supervision and administration:

(a) Not more than 80 percent of the total amount used for supervision and administration by eligible recipients shall be made from the basic grant in subpart 2.

(b) Not more than 20 percent of the total amount used for supervision and administration by eligible recipients shall be made from program improvement and supportive services in subpart 3.

(4) The computation in paragraph (3) of this section does not require the State to use administrative funds in an 80/20 ratio between subpart 2 and subpart 3 activities. The State may use its administrative funds in whatever proportion best meets its needs.

NEW SECTION

WAC 490-84-010 PERCENTAGE REQUIREMENTS WITH RESPECT TO STATE DISTRIBUTION OF FEDERAL FUNDS. The minimum percentages are applicable to the State's allotment under section 102(a) of the Act.

NEW SECTION

WAC 490-84-020 MINIMUM PERCENTAGE FOR THE HANDICAPPED. The Commission will allot at least 10.5 percent of its allotted block grant for vocational education for handicapped persons. The State will use these funds to the maximum extent possible to assist handicapped persons to participate in regular vocational education programs.

NEW SECTION

WAC 490-84-030 MINIMUM PERCENTAGE FOR THE DISADVANTAGED. (1) The Commission will allot at least 20.5 percent of its allotted block grant for the following purposes:

(a) Vocational education for disadvantaged persons (other than handicapped persons);

(b) Vocational education for persons who have limited English-speaking ability; and

(c) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs, except that no stipends are authorized for fiscal year 1978 pending identification of need.

(2) The State will use, to the maximum extent possible, the funds expended for disadvantaged persons and persons of limited English-speaking ability to enable these persons to participate in regular vocational education programs.

(3) The State will use the following formula in determining its expenditures of funds for vocational education for persons who have limited English-speaking ability:

(a) First determine the amount of Federal funds reserved for disadvantaged persons;

(b) Determine the population having limited English-speaking ability who are between the ages of 15 and 24 inclusively;

(c) Determine the total population of the State aged 15 to 24 inclusively;

(d) Divide step (b) by step (c);

(e) Multiply the quotient from step (d) by the total amount reserved for disadvantaged persons as indicated in step (a);

(f) Expend at least this amount for vocational education for persons having limited English-speaking ability. The amount expended for this purpose shall not exceed the total amount reserved for disadvantaged persons.

NEW SECTION

WAC 490-84-040 MINIMUM PERCENTAGE FOR POST-SECONDARY AND ADULT. (1) The Commission will allot at least 15 percent of its block grant for vocational education for:

(a) Postsecondary programs for:

(i) Persons who have completed or left high school;

(ii) Who are enrolled in organized programs of study for which credit is given toward an associate or other degree; and

(iii) Who are not enrolled in programs designed as baccalaureate or higher degree programs.

(b) Adult programs for:

- (i) Persons who have already entered the labor market;
- (ii) Persons who are unemployed; or
- (iii) Persons who have completed or left high school and who are enrolled in organized programs of study for which credit is not given toward an associate or other degree.

NEW SECTION

WAC 490-84-050 EXPENDITURES FOR PROGRAMS IN SECONDARY SCHOOLS. The State will expend from its allotment for the basic grant (subpart 2) at least the same amount of Federal funds for programs in secondary schools during fiscal years 1978 and 1979 as it had expended during fiscal years 1975 and 1976.

NEW SECTION

WAC 490-85-010 GRANTS TO THE STATE FOR SPECIAL PROGRAMS FOR THE DISADVANTAGED. The Commission will allot funds allocated to it from the separate authorization for special programs for the disadvantaged as defined below and in the Appendix of this State Plan.

NEW SECTION

WAC 490-85-020 USE OF FUNDS. (1) The Commission will allot funds available in accordance with the approved five-year State plan and annual program plan, for special programs of vocational education for disadvantaged persons in areas of high concentration of youth unemployment and school dropouts.

(2) The funds described above will be used to pay up to 100 percent of the cost of special programs for disadvantaged persons.

(3) These funds may be used in addition to funds made available to the State for basic grants, provided that the funds are used to conduct special programs of vocational education for the disadvantaged to enable them to succeed in vocational education programs.

NEW SECTION

WAC 490-85-030 STUDENTS IN NONPROFIT PRIVATE SCHOOLS. Funds may be granted to eligible recipients only if the eligible recipient shows through the local application process, that provision has been made for the participation of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or projects involved is to meet, to the extent consistent with the number of such students; and, that effective policies and procedures have been adopted which assure that Federal funds granted to accommodate students in nonprofit private schools will not be commingled with State or local funds.

NEW SECTION

WAC 490-85-040 CRITERIA OF NEED AND ELIGIBILITY.

(1) The term "disadvantaged" means persons (other than handicapped persons) who:

- (a) Have academic or economic disadvantages; and
- (b) Require special services, assistance, or programs in order to enable them to succeed in vocational education programs.

(2) "Academic disadvantage", for the purposes of this definition of "disadvantaged", means that a person:

- (a) Lacks reading and writing skills;
- (b) Lacks mathematical skills; or
- (c) Performs below grade level.

(3) "Economic disadvantage," for the purposes of this definition of "disadvantaged," means:

- (a) Family income is at or below national poverty level;
- (b) Participant or parent(s) or guardian of the participant is unemployed;
- (c) Participant or parent of participant is recipient of public assistance; or

(d) Participant is institutionalized or under State guardianship.

(4) Eligibility for participation in these special programs is limited to persons who (because of academic or economic disadvantage):

(a) Do not have, at the time of entrance into a vocational education program, the prerequisites for success in the program; or who

(b) Are enrolled in a vocational education program but require supportive services or special programs to enable them to meet the requirements for the program that are established by the State or the local educational agency.

NEW SECTION

WAC 490-86-010 AUTHORIZATION OF GRANTS. The Commission will allot eighty percent (80%) of its block grant for the following purposes:

(1) At least \$50,000 for each fiscal year from the funds made available to the State of Washington for the support of full-time personnel to perform the functions to eliminate Sex Discrimination and Sex Stereotyping; and

(2) Fund each fiscal year from the funds available to the State of Washington for special programs and placement services which are tailored to meet the needs of Displaced Homemakers and Other Special Groups; and

(3) In accordance with the approved five-year State plan and annual program plan, allot for each fiscal year the balance of the funds made available to the State of Washington for any of the following purposes:

- (a) Vocational education programs;
- (b) Work-study programs;
- (c) Cooperative vocational education programs;
- (d) Energy education programs;
- (e) Construction of area vocational education school facilities;
- (f) The provision of stipends;
- (g) Placement services for students who have successfully completed vocational education programs;
- (h) Industrial arts programs;
- (i) Support services for women;
- (j) Day care services for children of students in secondary and post-secondary vocational education programs;
- (k) Construction and operation of residential vocational schools; and
- (l) Any other programs or purposes Congress adds through HR 3437.

NEW SECTION

WAC 490-87-010 USE OF FUNDS. A State may use funds under its basic grant for vocational education programs which are described in its approved five-year State plan and annual program plan.

NEW SECTION

WAC 490-87-020 VOCATIONAL INSTRUCTION. (1) Vocational instruction may include:

- (a) Classroom instruction;
- (b) Classroom related field, shop or lab work;
- (c) Programs providing occupational work experience, including cooperative education and related instructional aspects of apprenticeship programs;
- (d) Remedial programs related to occupations designed to correct educational deficiencies or handicaps;
- (e) Activities of vocational student organizations which are an integral part of vocational instruction.

(2) Vocational instruction may be provided to either:

- (a) Those preparing to enter an occupation upon the completion of the instruction; or
- (b) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

NEW SECTION

WAC 490-88-010 USE OF FUNDS. The Commission will allot funds under its basic grant for approved work-study programs, which are described in its approved five-year State plan and annual program plan.

NEW SECTION

WAC 490-88-020 POLICY AND PROCEDURE FOR WORK-STUDY PROGRAMS. (1) The Commission will adopt policies and procedures to insure that Federal funds used for this purpose will be expended solely for the payment or compensation of students employed pursuant to work-study programs which meet the requirements established below:

(2) The principles for determining the priority to be accorded applications from eligible recipients for work-study programs shall give preference to applications submitted by eligible recipients serving communities having substantial numbers of youth who have dropped out of

school or who are unemployed. Work-study programs shall be funded in the order determined by the application of these principles.

NEW SECTION

WAC 490-88-030 REQUIREMENTS OF WORK-STUDY PROGRAMS. (1) Work-study programs shall be administered by the eligible recipient and shall be made reasonably available (to the extent of available funds) to all youths in the area served by the agency who are able to meet the requirements of paragraph (2) of this section. The cost of administration of the work-study program shall be supported with non-Federal funds.

(2) Work-study programs shall be furnished only to a student who:

(a) Has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the Commission and the eligible recipient for vocational education programs assisted under this Act, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance;

(b) Is in need of the earnings from such employment to commence or continue the student's vocational education program; and

(c) Is at least 15 years of age and less than 21 years of age at the commencement of the student's employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his or her vocational education program while employed under the work-study program.

(3) No student shall be employed under a work-study program for more than 20 hours in any week in which classes in which the student is enrolled are in session.

(4) No student employed under a work-study program shall be compensated at a rate which exceeds the hourly rate prevailing in the area for persons performing similar duties.

(5) Employment under these work-study programs shall be for the local educational agency or for some other public or non-profit private agency or institution. Students employed in work-study programs assisted under the authority of this section shall not by reason of this employment be deemed employees of the United States, or their service, Federal service, for any reason.

(6) In each fiscal year during which the work-study program remains in effect, the eligible recipient shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not the employment is an area eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program is approved.

NEW SECTION

WAC 490-89-010 USE OF FUNDS. (1) An eligible recipient may use funds for establishing or expanding cooperative vocational education programs with the participation of public and private employers, when these programs are described in the application of the eligible recipient.

(2) Priority for funding cooperative vocational education programs shall be given eligible recipients in areas that have high rates of school dropouts and youth unemployment.

(3) Funds may be used for pre-service and in-service training for teacher coordinators, supervision, curriculum materials, travel for students and coordinators necessary to the success of such programs, and evaluation.

(4) Funds from Federal sources will not be commingled with State or local funds so as to lose their identity.

(5) Procedures shall be developed and published by the agency receiving the applications for use by eligible recipients, for providing ancillary services and activities to assure that quality in cooperative vocational education programs is provided for.

NEW SECTION

WAC 490-89-020 ASSURANCES. The eligible recipient conducting cooperative vocational education programs shall provide assurances that:

(1) Funds will be used only for developing and operating cooperative vocational education programs as defined in Appendix A and which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from these programs;

(2) Necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs;

(3) No funds will be used for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs;

(4) Policies and procedures have been adopted for accounting, for continuous evaluation of cooperative vocational education programs, and for follow-up of students who have completed or left these programs. A copy will accompany the application.

(5) Funds from Federal sources will not be commingled with State and local funds so as to lose their identity. Accounting methods will be established which assure that expenditure of the funds can be separately identified from other expenditures.

(6) To the extent consistent with the number of students enrolled in private nonprofit schools in the area to be served, whose educational needs are of the type which the program is designed to meet, provision has been made for the participation of these students in the programs.

(7) The coordinator-instructor for the eligible recipient shall be allowed time to supervise the students and training environment during the training period, and to ascertain that the provisions of this section are in effect.

(8) A participating student shall be legally employed and must have passed his sixteenth birthday.

(a) The student shall receive at least the minimum hourly wage as established by the United States Department of Labor or the Washington State Department of Labor and Industries, whichever pertains.

(b) The student shall be covered under the Industrial Insurance Act where applicable.

(c) The student shall not be placed in hazardous work except as the placement conforms to minimum age requirements for such work.

(9) Local eligible recipients establishing cooperative vocational education programs shall conduct the on-the-job training in accordance with individual written training agreements between the recipient and each employer.

(10) Provision shall be included in the training agreement for representatives of the recipient to have adequate access to the student and employer for instructional and supervisory visits during the training period.

(11) Training agreements between the recipient and employer shall assure that students participating in a cooperative vocational education program will not displace regular employees performing similar work.

NEW SECTION

WAC 490-90-010 USE OF FUNDS. The Commission may allocate funds under its basic grant to pay costs of constructing area vocational education school facilities, in accordance with the approved five-year State plan and annual program plan.

NEW SECTION

WAC 490-90-020 TYPES OF FACILITIES. (1) The Commission may authorize the use of funds under the basic grant for construction if the facility meets one of the following requirements:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

(d) The department or division of community college operating under the policies of the Commission which provides vocational education in no less than five different occupational fields, leading to immediate employment but not necessarily leading to immediate employment but not necessarily leading to a baccalaureate degree. These vocational education programs must:

(i) Be available to all residents of the State or an area of the State designated and approved by the Commission for Vocational Education; and

(ii) In the case of a school, department or division described in (c) or (d), admit as regular students both persons who have completed high school and persons who have left high school.

(2) Federal funds may be used for construction of area vocational education facilities when the eligible recipient through the application process and annual program plan has justified and documented the need.

NEW SECTION

WAC 490-90-030 CONSTRUCTION REQUIREMENTS. Any area vocational education school facility constructed must meet all Federal, State and local construction requirements.

NEW SECTION

WAC 490-91-010 USE OF FUNDS. The Commission may allocate funds under its basic grant for the provision of stipends for students entering or already enrolled in vocational education programs if these students have acute economic needs which cannot be met under work-study programs.

NEW SECTION

WAC 490-91-020 RESTRICTIONS ON PAYMENT OF STIPENDS. No funds shall be used for the payment of stipends to students entering or already enrolled in programs of vocational education unless the Commission first makes a specific finding in each instance of funding that the funding of this particular activity is necessary due to:

- (1) Inadequate funding in other programs providing similar activities; or
- (2) Other services in the area that are inadequate to meet the needs.

NEW SECTION

WAC 490-91-030 APPLICATION FOR PAYMENT OF STIPENDS BY ELIGIBLE RECIPIENTS. An eligible recipient desiring to provide stipends for eligible students shall include a request for funds in the application submitted to the State and shall provide in the application an assurance that each applicant to be approved meets the requirements.

NEW SECTION

WAC 490-91-040 RATES FOR STIPENDS. Students entering or already enrolled in vocational education programs may be paid stipends at a rate not to exceed the higher of:

- (1) The minimum wage prescribed by State law multiplied by the number of hours per week the student is enrolled in the vocational education programs; or
- (2) The minimum hourly wage set out under 6(a) (1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours per week the student has contact instruction in an approved vocational education program.

NEW SECTION

WAC 490-92-010 USE OF FUNDS. The Commission may allocate funds under its basic grant in accordance with the approved five-year State plan and annual program plan, for providing placement services for students who have successfully completed vocational education programs, subject to restrictions as follows:

NEW SECTION

WAC 490-92-020 RESTRICTIONS ON PLACEMENT SERVICES. An eligible recipient shall not use funds for placement services for students who have successfully completed vocational education programs, unless the appropriate State agency first makes a specific finding in each instance of funding that the funding of this particular activity is necessary due to:

- (1) Inadequate funding in other programs providing similar activities; or
- (2) That other services in the area are inadequate to meet the needs.

NEW SECTION

WAC 490-92-030 APPLICATION FOR FUNDS BY ELIGIBLE RECIPIENTS. An eligible recipient desiring to provide placement services to students who have successfully completed vocational education programs shall:

- (1) Include the request for funds in the local application submitted to the State board; and
- (2) Provide assurances that all placement services to be provided meet the requirements as set forth above.

NEW SECTION

WAC 490-93-010 USE OF FUNDS. The Commission may allocate funds under its basic grant when included in the approved five-year State plan and annual program plan, for industrial arts programs which meet the requirements set forth below and has prior approval from the appropriate State agency.

NEW SECTION

WAC 490-93-020 INDUSTRIAL ARTS PROGRAMS. Industrial arts education programs which may be funded are those industrial arts programs which are designed to meet the purposes of the Act, and which:

- (1) Pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, including learning experiences involving activities such as experimenting, designating, constructing, evaluating, and using tools, machines, materials, and processes; and
- (2) Assist individuals in making informed and meaningful occupational choices or which prepare them for entry into advanced trade and industrial or technical education programs.

NEW SECTION

WAC 490-94-010 AUTHORIZATION OF GRANTS. The Commission for Vocational Education will allot twenty percent (20%) of its block grant for Program Improvement and Supportive Services.

NEW SECTION

WAC 490-94-020 PURPOSE. The purpose of program improvement is to improve vocational education by the support of research programs, exemplary and innovative programs, and curriculum development programs.

NEW SECTION

WAC 490-94-030 RESEARCH COORDINATING UNIT. In order to expend funds for program improvement, the Commission's Research Coordinating Unit will coordinate the research, exemplary and innovative projects, curriculum development and dissemination activities in the State. The research coordinating unit may contract for the performance of any of the above activities or services or this unit may perform the activities directly using its own staff. The cost of the professional and support staff of the RCU is supportable with Federal funds. The RCU is a component of the Washington State Commission for Vocational Education and will consist of a director, a dissemination and diffusion coordinator and support staff. Day-to-day direction and operation of the Research Coordinating Unit will be a responsibility of the RCU Director and will be housed with the Commission for Vocational Education.

NEW SECTION

WAC 490-94-040 CONTRACT REQUIREMENTS. (1) No contract shall be made unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contracts.

- (2) These procedures are applicable to applied research, exemplary and innovative, and curriculum programs.

NEW SECTION

WAC 490-94-050 USE OF FUNDS FOR RESEARCH PROGRAMS. The Research Coordinating Unit may use funds for:

- (1) Applied research and development in vocational education;

(2) Experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings, including programs and projects to overcome problems of sex bias and sex stereotyping;

(3) Improved curriculum materials for presently funded programs in vocational education and new curriculum materials for new and emerging job fields, including a review and revision of any curricula developed under this section to insure that such curricula do not reflect stereotypes based on sex, race, or national origin;

(4) Projects in the development of new careers and occupations, such as:

(a) Research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation, requiring less training than professional positions, and to delineate within such career roles with the potential for advancement from one level to another;

(b) Training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (a), including programs to prepare professionals (including administrators) to work effectively with aides; and

(c) Projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.

(5) Coordination of same or similar projects conducted by public education agencies, other public agencies or private agencies, shall be the responsibility of the Commission through the Research Coordinating Unit. Liaison will be maintained with Federal, regional, and agencies of other states in order to facilitate coordination.

NEW SECTION

WAC 490-94-060 USE OF FUNDS FOR EXEMPLARY AND INNOVATIVE PROGRAMS. The Research Coordinating Unit may use funds for:

(1) Programs to develop high quality vocational education programs for urban centers with high concentrations of:

- (a) Economically disadvantaged individuals;
- (b) Unskilled workers; and
- (c) Unemployed individuals.

(2) Programs to develop training opportunities for:

- (a) Persons in sparsely populated rural areas; and
- (b) Individuals migrating from farms to urban areas.

(3) Programs of effective vocational education for persons of limited English-speaking ability;

(4) Establishment of cooperative arrangements between public education and manpower agencies, designed to correlate vocational education opportunities with current and projected needs of the labor market; and

(5) Programs designed to broaden occupational aspirations and opportunities for youth, especially for youth who have academic, socio-economic, or other handicaps. These programs include:

(a) Programs and projects to familiarize elementary and secondary students with the broad range of occupations for which special skills are required and requisites for careers in those occupations; and

(b) Programs and projects to facilitate the participation of employers and labor organizations in postsecondary vocational education.

(6) Every contract made by a Research Coordinating Unit for the purpose of funding exemplary and innovative projects shall:

(a) Give priority to programs and projects designed to reduce sex stereotyping in vocational education;

(b) To the extent consistent with the number of students enrolled in private nonprofit schools in the area to be served, whose educational needs are of the type which the program is designed to meet, make provisions for the participation of these students in the programs; and also

(c) Provide that the Federal funds will not be commingled with the State or local funds.

(7) Coordination of same or similar projects conducted by public education agencies, other public agencies or private agencies, shall be the responsibility of the Commission through the Research Coordinating Unit. Liaison will be maintained with Federal, regional, and agencies of other states in order to facilitate coordination. The RCU will

attempt to enrich the resources available to vocational education in the State by developing proposals for available resources.

NEW SECTION

WAC 490-94-070 DISPOSITION OF EXEMPLARY AND INNOVATIVE PROGRAMS. The Commission for Vocational Education shall indicate in the annual program plan and accountability report covering the final year of financial support by the State for any exemplary and innovative program:

(1) The proposed disposition of the program when Federal support ends; and

(2) The means by which successful or promising programs will be continued and expanded within the State.

NEW SECTION

WAC 490-94-080 USE OF FUNDS FOR CURRICULUM DEVELOPMENT PROGRAMS. The Research Coordinating Unit may use funds for:

(1) Development and dissemination of vocational education curriculum materials for new and changing occupational fields;

(2) Development and dissemination of vocational education curriculum materials for:

- (a) Handicapped persons;
- (b) Disadvantaged persons (other than handicapped persons);
- (c) Persons of limited English-speaking ability;

(3) Development and dissemination of curriculum and guidance and testing materials designed to overcome sex bias in vocational educational programs;

(4) Support services designed to enable teachers to meet the needs of individuals enrolled in vocational education programs traditionally limited to members of the opposite sex; and

(5) Development and dissemination of other curriculum materials designed to improve the State's vocational education programs.

(6) Coordination of same or similar projects conducted by public education agencies, other public agencies or private agencies, shall be the responsibility of the Commission through the Research Coordinating Unit. Liaison will be maintained with Federal, regional, and agencies of other states in order to facilitate coordination.

NEW SECTION

WAC 490-94-090 DISSEMINATION. (1) The dissemination and diffusion of results of applied research, exemplary and curriculum development activities is an integral component of Program Improvement. The Research Coordinating Unit will employ a full-time disseminator to accomplish the thrusts, recommendations, and duties assigned to it.

(2) The Research Coordinating Unit will be concerned with the validation of Program Improvement projects and will require evaluation procedures.

(3) The disseminator will continue to develop the Research Coordinating Unit's capacity to serve as a broker of Program Improvement materials, provide linkages with the national center, and foster and contribute to national dissemination efforts.

(4) The disseminator will work with project directors from program start time to develop diffusion strategies, which will help to ensure that the project will demonstrate a reasonable probability that it will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contract.

NEW SECTION

WAC 490-94-100 EDUCATION PROFESSIONS DEVELOPMENT ACT-EPDA. The Research Coordinating Unit Director will continue to serve as the State EPDA Director to coordinate projects, project reports, and the expenditure of funds under the entitlements of Part F of the Higher Education Act.

NEW SECTION

WAC 490-094-110 DEVELOPMENT OF PRIORITIES. (1) The foundation of a plan for Program Improvement must be the identification and prioritization of the needs of the population served. In order to determine the needs of residents of the State of Washington, the Research Coordinating Unit will form an advisory panel charged with:

(a) Identification and prioritization of the needs of the population; and

(b) Determination of the strategies to be employed in meeting the needs established.

(2) In order to provide as wide a base as possible for planning to accomplish items (a) and (b) above; and to provide access to Program Improvement activities to as many segments of the population of the State as possible, the RCU Planning Consortium shall be constituted as follows: Two classroom teachers in the K-12 system nominated by WVA; one K-12 local administrator nominated by WCLA; one representative of the OSPI; one classroom teacher from the community college system and one classroom teacher from a VTI, both nominated by WVA; one postsecondary local administrator nominated by WCLA; one representative of the SBCCE; the RCU Director representing CVE; one representative of the State Advisory Committee; one representative from private non-profit institutions; one representative from private profit-making institutions; one representative of the vocational education teacher educator nominated by the Washington Association of Vocational Teacher Educators; one representative of a community based organization; and one ethnic minority. This 15-member panel will be chaired by the Research Coordinating Unit Director. The chairperson will provide panel members with a time line for action which will insure that annual priorities and action strategies for funding will be forwarded to the Executive director of the Commission for Vocational Education for final approval.

NEW SECTION

WAC 490-94-112 APPLICATION PROCEDURES. (1) Submittal of Applications: Applications for program improvement contracts shall be submitted to the Commission for Vocational Education through the Research Coordinating Unit. It shall be the responsibility of the Research Coordinating Unit to design appropriate application forms and procedures, and disseminate them as needed. The application shall describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of contract funds requested, the portion of the cost to be borne by the applicant, and policies and procedures which assure that Federal funds made available will not be commingled with State or local funds. The individual authorized to act for the applicant shall be the person designated by the applicant agency to sign official documents including contracts.

(2) Review of Applications: Applications shall be reviewed by an evaluation committee, and recommendations submitted to the Executive Director, Commission for Vocational Education based on the following factors:

(a) Impact on meeting vocational education needs of disadvantaged youth, and the ability to overcome problems of sex bias and sex stereotyping;

(b) Impact on reducing youth unemployment;

(c) Extent to which the project promotes cooperation between public education and appropriate manpower agencies;

(d) Relevance to priority areas in vocational education specified in the annual plan and to vocational education programs, services, and activities described in the annual plan;

(e) Adequacy and competence of personnel designated to carry out the program or project;

(f) Adequacy of facilities;

(g) Reasonableness of cost estimates; and

(h) Expected potential of the proposed program or project being made a part of the regular vocational education program.

(3) Action on Applications.

(a) The Commission for Vocational Education shall upon receipt of the evaluation committee's report, either (i) approve the application in whole or in part, (ii) request modification, (iii) disapprove the application, or (iv) defer action on the application due to lack of funds or need for further evaluation or information;

(b) Any deferral of an application shall not preclude its reconsideration or resubmission;

(c) The agency submitting the application shall be notified in writing of the disposition of the application; and

(d) The award letter and contract shall include the approved budget and award conditions;

(e) No contract shall be made unless the applicant can demonstrate a reasonable probability that the contract will result in improved

teaching techniques or curriculum materials that will be used is a substantial number of classrooms or other learning situations within five years after the termination date of such contract.

NEW SECTION

WAC 490-94-113 NON-COMMINGLING OF FUNDS. Educational authorities receiving payments shall establish accounting procedures which will assure that each expenditure of Federal funds made available can be separately identified as such. Records shall be maintained for audit purposes for five fiscal years.

NEW SECTION

WAC 490-94-114 NOTIFICATION TO COMMISSIONER. The Research Coordinating Unit director shall submit to the Commissioner and to the National Center for Research in Vocational Education the following:

(1) Two copies of an abstract of each approved project for program improvement, within 30 calendar days after approval of the project, containing the source and amount of funds obligated for the project; and

(2) Two copies of the final report resulting from the State project, within three months after the ending date of the project.

NEW SECTION

WAC 490-95-010 CONFORMITY WITH FIVE-YEAR STATE PLAN. Vocational guidance and counseling funds shall be expended in accordance with the approved five-year State plan and annual program plan.

NEW SECTION

WAC 490-95-020 KINDS OF PROGRAMS, SERVICES AND ACTIVITIES. Approved vocational guidance and counseling programs shall include one or more of the following kinds of functions, services or activities:

(1) Guidance and Counseling;

(2) Placement Services;

(3) Vocational Resource Centers;

(4) Training;

(5) Leadership.

NEW SECTION

WAC 490-95-030 SPECIAL EMPHASIS. Insofar as is practical, vocational guidance and counseling programs shall be designed to bring individuals with experience in business and industry, the professions, and other occupational pursuits, into schools as counselors or advisors for students, and which bring students into the work establishments of business and industry, the professions and other occupational pursuits for the purpose of acquainting students with the nature of work and which will enable guidance counselors to obtain experience in business and industry, the professions and other occupational pursuits.

NEW SECTION

WAC 490-96-010 VOCATIONAL EDUCATION PERSONNEL TRAINING. The purpose of vocational education personnel training is to improve the State's vocational education programs and the services which support those programs by improving the qualifications of persons serving or preparing to serve in vocational education programs. For purposes of articulation, interstate cooperation, and essential federal liaison, the RCU Director will serve as the State Vocational Education Personnel Training contact person.

NEW SECTION

WAC 490-96-020 ALLOCATION OF FUNDS. The Commission will allocate funds to support vocational education personnel training programs. In order to be eligible for support specific programs and projects of training must be in accord with the general plan for vocational education personnel training as set forth in the approved five-year State plan and annual program plan for vocational education.

NEW SECTION

WAC 490-96-030 **ELIGIBLE PARTICIPANTS.** Training may be provided to persons serving or preparing to serve in vocational education programs, including teachers, administrators, supervisors, and vocational guidance and counseling personnel.

NEW SECTION

WAC 490-96-040 **TYPES OF TRAINING.** Funds available may be used to support programs and projects designed to improve the qualifications of persons who are eligible including (but not limited to) the following:

- (1) Training or retraining for teachers, and supervisors and trainers of teachers, in vocational education in new and emerging occupations;
- (2) In-service training for vocational education teachers and other staff members, to improve the quality of instruction, supervision, and administration of vocational education programs, and to overcome sex bias in vocational education programs;
- (3) Provisions for exchange of vocational education teachers and other personnel with skilled workers or supervisors in business, industry, and agriculture (including mutual arrangements for preserving employment and retirement status and other employment benefits during the period of exchange), and the development and operation of co-operative programs involving period of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such schools;
- (4) Training to prepare journeymen in the skilled trades or occupations for teaching positions;
- (5) Training, including in-service training, for teachers and supervisors and trainers of teachers in vocational education to improve the quality of instruction, supervision and administration of vocational education for persons of limited English-speaking ability and to train or retrain counseling and guidance personnel to meet the special needs of persons of limited English-speaking ability;
- (6) Provision of short-term or regular-session institutes designed to improve the qualifications of persons entering or re-entering the field of vocational education in new and emerging occupational areas in which there is need for such personnel.

NEW SECTION

WAC 490-96-050 **GRANTS OR CONTRACTS.** The State may make grants or contracts, in accordance with its five-year State plan and annual program plan, in support of both training and retraining programs and projects to provide:

- (a) Both pre-service and in-service education; and
- (b) Both regular-session (academic year) institutes and short-term institutes.

NEW SECTION

WAC 490-96-060 **STIPENDS TO TRAINEES.** Within the limits set in the paragraphs below, the Commission, at its discretion, may authorize payment of:

- (1) Stipends to participating trainees in Vocational Education Personnel Training programs or projects; and
- (2) Allowances for other expenses for such trainees and their dependents.
- (3) Part-time and short-term training. For part-time training and for short-term training (for periods not in excess of the equivalent of ten working days), the upper limits of stipends per participant are:
 - (a) Per hour of actual training, a sum not in excess of the average amount earned per hour of teaching by full-time classroom teachers in the State;
 - (b) Per full day of training, a sum not in excess of six times the rate per hour set above; and
 - (c) Per five-day week of training, a sum not in excess of five times the rate per day set above.
- (4) Full-time academic year or summer session. The upper limits for stipends per participant for full-time training are:
 - (a) Per academic year of approximately nine months, a sum not in excess of \$4,500; and
 - (b) Per summer session of at least six weeks, a sum not in excess of \$900.
- (5) Other periods of full-time training. For full-time training for periods of more than the equivalent of ten full days and less than six

weeks, the stipend is limited to a sum calculated at a rate proportionate to \$500 per calendar month.

(6) Other allowances. In addition to the sum allowable under authority as set out above, the State may make payments only as follows:

- (a) For the cost of participant travel to and from training sites, a participant is allowed the same per-mile rate for automobile travel as an employee of the State Educational agency;
- (b) For support of dependents of participants, a sum not in excess of:
 - (i) \$675 per dependent for each academic year of full-time training; and
 - (ii) \$170 per dependent for full-time training during a summer session of at least six weeks.

NEW SECTION

WAC 490-97-010 **PROGRAM EVALUATION, MONITORING, AND COMPLIANCE AUDITING.** General Policy. The Commission reserves the right to evaluate any and all programs, projects or activities for which the Commission is accountable under State or Federal law, including those functions delegated under the five-year and annual program plan.

(1) Purpose. The purpose of the State evaluation is to assist local educational agencies and other recipients of funds in operating the best possible programs of vocational education and to utilize the results of these evaluations to revise the state's programs of vocational education.

(2) Accountability and Responsibilities—Evaluation by the Commission.

(a) During the five-year period of the State plan, the Commission is accountable for the evaluation, in quantitative terms, of the effectiveness of each formally organized program or project supported by Federal, State and local funds. During this same period agencies responsible for the operation of said programs and projects shall, each year of the five-year period, evaluate the formally organized vocational programs and projects conducted by 18% to 22% of the eligible recipients where evaluation has not taken place during the previous years of the five-year period.

(b) In order to carry out the mandate contained in Section 112(b)(1)(A) of the Act, the Commission will monitor the evaluations carried out by the agencies responsible for the operations of the programs. Monitoring will be carried on at the State level and at the local recipient level. The monitoring will be directed at 30% of the local eligible recipients operating programs and projects evaluated by the appropriate State agency. The technique described in Section 112(b)(1)(B) of the Act will be used for monitoring.

Agencies responsible for programs conducted under this Plan shall submit their evaluation models to the Commission by January 1, 1978.

- (3) Evaluation shall be in terms of:
 - (a) Planning and operational processes,
 - (b) Results of student achievement,
 - (c) Results of student employment success, and
 - (d) Other results as measured by services to special populations.
- (4) Use of results of evaluation:
 - (a) The results of the evaluation shall be used to revise the programs conducted under the approved five-year State plan.
 - (b) The Commission will make the results of the evaluation readily available to the State Advisory Council on Vocational Education.
- (5) Compliance audit:
 - (a) The Commission will conduct annual fiscal and program compliance audits.
 - (b) The purpose of compliance auditing is to assess actual accomplishments with the announced intentions in the State Plan for Vocational Education, verify program and fiscal data and verify operations for compliance with appropriate federal, state and local policies, rules and regulations.
 - (c) RCW 28C.04.040 states in part: ". . . Under the State plan the Commission shall make compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the State plan."
 - (d) Compliance audits will be conducted by statistically valid sampling techniques.
 - (e) The compliance audit instrument will be developed by the Commission staff and adopted by the Commission. Recommendations and suggestions will be solicited from the State Advisory Council and the agencies responsible for program operation in the development of the instrument.

(6) Special data on completers and leavers. The Commission delegates the process of evaluation against the criterion listed below:

(a) The State shall evaluate, using wherever possible, statistically valid sampling techniques, the effectiveness of each program of vocational education which purports to teach entry-level job skills.

(b) The State shall evaluate each of these programs in order to ascertain the extent to which both those students who complete a program and those students who leave before completing a program:

(1) Find employment in occupations related to their training; and

(2) Are considered by their employers to be well-trained and prepared for employment.

(c) The State shall use the following definitions for "program completer" and "program leaver":

(1) "Program completer" means a student who finishes a planned sequence of courses, services, or activities designed to meet an occupational objective and which purports to teach entry-level job skills; and

(2) "Program leaver" means a student who has been enrolled in and has attended a program of vocational education and has left the program without completing it, except that no student shall be counted as a program leaver with respect to any program who is still enrolled in another program of vocational education. The term "program leaver" includes:

(i) Persons who leave the program voluntarily before its formal completion because they have acquired sufficient entry-level job skills to work in the field, and who have taken a job related to their field of training; and

(ii) all other leavers.

(d) For the purposes of this section, a State shall report separately on program completers and program leavers in accordance with the survey instructions and sampling standards to be provided by the National Center for Educational Statistics, HEW, as follows:

(1) Those who secure employment in the occupation for which they were trained or in occupations related to their vocational training, including the military;

(2) Those in (1) considered by their employers to be well-trained and prepared for employment;

(3) Those who are enrolled for additional education and training; and

(4) Those in none of the above categories.

(e) Persons who are enrolled for additional education and training shall not be counted as "leavers" in the evaluation of data.

(f) The evaluation data on completers and leavers shall be collected at a date to be specified by the National Center for Educational Statistics, HEW.

SPI and SBCCE shall submit copies of their evaluation model to the Commission as requested.

(7) The Commission will conduct compliance audits biannually of State agencies responsible for the operation of programs under this Plan, and a random sample of thirty percent of the programs evaluated by the State agencies. In addition to the items listed above, indicators of compliance shall include, but not be limited to:

(a) Documentation of compliance with appropriate federal, state and local policies, procedures, rules and regulations.

(b) Evidence of the extent of the attainment of the five-year state plan and annual program plan goals and objectives.

Agencies responsible for programs conducted under this Plan shall submit their evaluation models to the Commission by January 1, 1978.

(8) Assurance of compatible data. Information elements and uniform definitions developed by the National Center for Educational Statistics shall be utilized in the evaluation of programs conducted under the approved five-year State plan and annual program plan.

WSR 78-06-117

EMERGENCY RULES

EASTERN WASHINGTON UNIVERSITY

[Resolution 78-02—Filed June 7, 1978]

Be it resolved by the board of trustees of the Eastern Washington University, acting at Cheney, Washington, that it does promulgate and adopt the annexed rules relating to amendments to constitution of associated students, chapter 172-114 WAC.

We, the board of trustees of Eastern Washington University, 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 May EWU board of trustees meeting was changed with insufficient time to allow for proper notification to the Code Reviser. Since the emergency amendments previously adopted will expire on May 29, 1978, it is imperative that the rules be again adopted under emergency procedures to allow for proper notification to the Code Reviser.

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 Eastern Washington University as authorized in RCW 28B.40.120(11).

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 May 22, 1978.

By Mrs. Frederick Wilson, Jr.
Chairman

Chapter 172-114 WAC

CONSTITUTION OF ASSOCIATED STUDENTS.

WAC

172-114-010

Preamble.

172-114-120

Article I: Name, Definitions, and Membership

172-114-030

Article II: Student Rights and Responsibilities

172-114-040

Article III: Legislation

172-114-050

Article IV: Executive

172-114-060

Article V: Election[s]

172-114-070

Article VI: Judicial

172-114-080

Article VII: Rescind, Recall, Initiative, Referendum and Inspection of Records

172-114-090

Article VIII: Budgeting

172-114-100

Parliamentary Authority

172-114-110

Amendments

Reviser's Note: The above reference to WAC 172-114-120 appears to be in error and should refer to WAC 172-114-020, but is displayed herein exactly as filed by the agency pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (*Amending Order 72-9, Filed September 20, 1972*)

WAC 172-114-010 PREAMBLE. *We, the Associated Students of Eastern Washington (~~State College~~) University, in order to develop in the students the concept of self government; an appreciation and understanding of democratic values and processes; to strengthen in the student the realization of his rights,*

responsibilities, and common interest with the community as a citizen, to represent student interests, needs and welfare; to develop in the students an understanding and appreciation of their personal, social, and vocational relationship to the society in which they live; develop in the students fellowship and understanding; and to provide a physical and social environment in which to achieve the above objectives do affirm and establish this Constitution subject to the authority vested in the Associated Students by the Board of Trustees of Eastern Washington (~~(State College)~~) University.

AMENDATORY SECTION (Amending Order 74-8, Filed October 1, 1974)

WAC 172-114-020 **ARTICLE I: NAME, DEFINITIONS, AND MEMBERSHIP.** (1) The name of this organization shall be the "Associated Students of Eastern Washington (~~(State College)~~) University", referred to herein as "A.S."

(2) When used in this Constitution, the following terms shall mean:

(a) "~~(College)~~ University" means Eastern Washington (~~(State College)~~) University and, collectively those responsible for its control and operation.

(b) "Student" includes all persons enrolled in any course at the (~~college~~) university.

(c) "Instructor" means all persons hired by the (~~college~~) university to conduct classroom activities. In certain situations a person may be both "student" and "instructor". Determination of his status in a particular situation shall be determined by the surrounding facts.

(d) "Legal compulsion" means a state or federal judicial or legislative order which requires some action by the person to whom it is directed.

(e) "Organization" means a number of persons who have complied with the formal requirements of (~~college~~) university recognition as in WAC 172-114-030(5).

(f) "Group" means members of the (~~college~~) university community who have not yet complied with the formal requirements for becoming an organization.

(g) "Student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of a campus organization.

(h) "Shall" is used in the imperative sense.

(i) "May" is used in the permissive sense.

(j) All other terms have their natural meaning unless the context dictates otherwise.

(3) All students who are registered for one (1) credit hour or more at Eastern Washington (~~(State College)~~) University shall be members of this organization for the period of time covered by the fee.

AMENDATORY SECTION (Amending Order 74-8, Filed October 1, 1974)

WAC 172-114-030 **ARTICLE II: STUDENT RIGHTS AND RESPONSIBILITIES.** (1) The following enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens.

(2) Access to higher education. Within the limits of its facilities and budget, the (~~college~~) university shall be open to all applicants who are qualified according to its admission requirements. No person once enrolled may be denied attendance or academic advancement except for disqualification on academic grounds or conviction of violating (~~college~~) university rules.

(3) Education.

(a) Students are free to pursue their educational goals within existing (~~college~~) university programs; appropriate opportunities for learning shall be provided by the state within its financial resources and the student's ability. This shall include the knowledge, imagination, and dedication of faculty and administrators through excellent teaching and readily available and adequate advice and counsel.

(b) Discussion and expression of all views relevant to the subject matter is permitted in the classroom subject only to the responsibility of the instructor to maintain order and to present course content. Students are responsible for learning the content of any course for which they are enrolled. Requirements of participation in classroom discussion and submission of written exercises are not inconsistent with this section.

(c) Academic evaluation of student performance shall be neither prejudicial nor capricious. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisers, and counselors, is confidential and is not to be disclosed to others unless under legal compulsion. Questions relating to intellectual or skills capacity are not subject to this section.

(4) Campus Expression.

(a) Free inquiry, expression, petition, and assembly are guaranteed to all students. Support of any cause by lawful means which do not disrupt the operation of the (~~college~~) university is permitted. Students, groups, and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of (~~college~~) university facilities.

(b) The right of peaceful protest is granted within the (~~college~~) university community. The (~~college~~) university retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process.

(c) Orderly picketing and other forms of peaceful protest are permitted on (~~college~~) university premises. Interference with ingress to and egress from (~~college~~) university facilities, interruption of classes, or damage to property exceeds permissible limits. Even though remedies are available through local enforcement bodies, the (~~college~~) university may choose to impose its own disciplinary sanctions.

(d) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the (~~college~~) university. Any student, group, or organization may protest against any such organization provided that protest does not interfere with any other student's right to have such an interview.

(5) Campus Organizations.

(a) Organizations and groups may be established within the (~~college~~) university for any legal purpose.

Affiliation with an extramural organization shall not, in itself, disqualify the ((college)) university branch or chapter from ((college)) university privileges. Any organization which engages in illegal activities may have sanctions imposed against it including withdrawal of ((college)) university recognition for a period not exceeding one (1) year.

(b) A group shall become an organization when formally recognized by the ((college)) university. All groups that meet the following requirements shall be recognized:

(i) Submission of a list of officers and copies of the constitution and bylaws to the appropriate ((college)) university official or body. All changes and amendments shall be submitted within one (1) week after they become effective.

(ii) Where there is affiliation with an extramural organization, the organization's constitution and bylaws shall be filed with the appropriate ((college)) university official or body. All amendments shall be submitted within a reasonable time after they become effective.

(iii) All sources of outside funds shall be disclosed.

(c) Membership in all ((college)) university related organizations, within the limits of their facilities, shall be open to any member of the ((college)) university community who is willing to subscribe to the stated aims and meet the stated obligations of the organization.

(d) ((College)) University facilities shall be assigned to organizations, groups, and individuals within the ((college)) university community for regular business meetings, for social programs, and for programs open to the public, provided:

(i) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance.

(ii) Preference may be given to programs designed for audiences consisting primarily of members of the ((college)) university community.

(iii) Allocation of space shall be made based on priority of requests and the demonstrated needs of the organization, group, or individual.

(iv) The ((college)) university may delegate the assignment function to an administrative official or a student committee or organization.

(v) Charges may be imposed for any unusual costs for use of facilities.

(vi) Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties and restitution for damages.

(vii) The individual, group, or organization requesting space must inform the ((college)) university of the names of outside speakers and indicated subject.

(e) No individual, group, or organization may use the ((college)) university name without the express authorization of the ((college)) university, except to identify the ((college)) university affiliation. ((College)) University approval or disapproval of any policy may not be stated or implied by any individual, group, or organization.

(6) Publications.

(a) A student, group, or organization may distribute written material on campus without prior approval providing such distribution does not disrupt the operations of the ((college)) university and the material clearly states the publisher.

(b) The student press is to be free of censorship. The editors and manager shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on a ((college)) university controlled and student-operated radio or television station. This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

(c) All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the ((college)) university or its student body.

(7) ((College)) University Government.

(a) All constituents of the ((college)) university community are free, individually and collectively, to express their views on issues of ((college)) university policy and on matters of interest to the student body. Clearly defined means shall be provided for student expression on all ((college)) university policies affecting academic and student affairs.

(b) The role of student government and its responsibilities shall be made explicit. Student government actions reviewed by the ((college)) university shall only be reviewed through procedures agreed upon in advance.

(c) On questions of education policy, students are entitled to a participatory function. Faculty-student committees shall be created to consider questions of policy affecting student life. Students shall be designated as members of standing and special committees concerned with ((college)) university policy affecting academic and student affairs, including those concerned with curriculum discipline, admissions, and allocation of student fees.

(8) Privacy.

(a) The right of students to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed. These rights of privacy extend to ((college)) university-owned housing. Nothing in the ((college)) university relationship or housing contract may expressly or by implication give the ((college)) university or housing officials authority to consent to a search of a student's room by police or other government officials, or anyone else.

(b) When the ((college)) university seeks access to a ((college)) university-owned student room to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four (24) hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared.

(9) Student Records.

(a) The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files

shall be maintained only by full time members of the (~~college~~) university staff employed for that purpose. Separate files shall be maintained of the following: academic records, supporting documents, and general educational records; records of discipline proceedings; medical and psychiatric records; and financial aid records.

(b) No entry may be made on a student's academic record and no document may be placed in his file without actual or constructive notice to the student. All matters placed in a student's file in accordance with published customary and ordinary policies, procedures, and regulations, shall constitute constructive notice.

(c) Access to his official, institutional records and files is guaranteed every student subject only to reasonable regulations as to time, place, and supervision. A student may challenge the accuracy of any entry or the presence of any item by bringing the equivalent of an equitable action against the appropriate person.

(d) No information in any student file may be released to anyone except with the prior written consent of the student concerned or as stated below:

(i) Members of the faculty with administrative assignments may have access for internal educational purposes as well as routinely necessary administrative and statistical purposes.

(ii) The following data may be given an inquirer: school or division of the enrollment, periods of enrollment, degrees awarded, honors, and major field.

(iii) If any inquiry is made in person or by mail, the following information may be given in addition to that in subsection (ii) immediately above: address and telephone number, date of birth, and, unless the student has instructed the registrar's office not to release copies of his transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference.

(iv) Properly identified officials from federal, state, and local government agencies may be given the following information upon express request in addition to that in subsections (ii) and (iii) immediately above: name and address of parent or guardian if student is a minor, and any information required under legal compulsion.

(v) Unless under legal compulsion, personal access to a student's file shall be denied to any person making an inquiry.

(e) Upon graduation or withdrawal from the (~~col-~~lege) university, the records and files of former students shall continue to be subject to the provisions of this section.

(10) Procedural standards in disciplinary proceedings. Disciplinary proceedings must guarantee fundamental concepts of fair play (due process). The procedural requirements of due process may vary with the seriousness of the charge. In every proceeding in which a major disciplinary action is contemplated, the student shall have the rights of due process, including at least:

(a) The student shall be informed, in writing, of the reasons for the proposed disciplinary action, including charges with sufficient time to ensure opportunity to prepare for the hearing.

(b) The burden of proof shall rest upon the official bringing the charge.

(c) Upon request, the right to: closed proceedings, confrontation and cross examination of witnesses, be present, challenge any member hearing the case and witnesses, a record of the appeal at least one (1) step beyond the initial determination.

(d) All matters upon which the decision may be based must be introduced into evidence at the proceeding. The decision shall be based solely upon such matter. Illegally acquired evidence may not be admitted.

(e) No person who is otherwise interested in the particular case may sit in judgment during the proceeding.

(f) The decision shall be final subject only to the student's right to appeal.

(11) Procedural standards in student complaint proceedings. If students have complaints of infringement of their rights, they shall, on request, have a hearing. Minimum requirements of procedural due process for all persons should include those in WAC 172-114-030(10) and:

(a) The (~~hearing committee~~) University Disciplinary Committee should include both faculty and student members.

(b) The decision of the (~~hearing committee~~) University Disciplinary Committee should be final, subject only to the right of appeal by parties concerned.

(12) Dual Membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interest as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

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

AMENDATORY SECTION (Amending Order 75-8, Filed July 24, 1975)

WAC 172-114-040 ARTICLE III: LEGISLATION. (1) The legislative powers of the A.S. shall be vested in the Legislature and may not be transferred.

(2) All legislation shall include: the names of the sponsor(s), date of introduction, committee referred to — if any, disposition, and date of disposition, signatures of A.S. Speaker and A.S. President; take effect immediately upon ((~~passage, unless a later date is specified~~)) signature by the A.S. President or override of his veto by the A.S. Legislature; and shall continue in effect until five (5) years from the last date of ((~~passage~~)) signature or override or until rescinded.

(3) The voting members of the Legislature shall consist of fifteen (15) representatives known as legislators, elected by numbered, at-large positions for one (1) year terms. The legislators shall take office on the last day of

the quarter in which they are elected, as follows: Positions 1 through 5, elected Fall Quarter, Positions 6 through 10, elected Winter Quarter, and Positions 11 through 15, elected Spring Quarter. Provided, that no person may hold more than one (1) voting seat in the Legislature, and the A.S. President and A.S. Vice President may not hold ((a)) voting ((seat)) seats in the Legislature.

(4) Candidates/members for/of the Legislature shall be members of the A.S. and have/maintain a two point (2.00) cumulative grade average, be enrolled for and complete six (6) credit hours in the previous quarter (excluding summer quarter), and have at least one (1) quarter in residence. A legislator's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding summer quarter), or declaration of non-performance of duties stated in this constitution, or violation of this constitution, by the A.S. Superior Court. ((Should there be a vacancy in a legislative position, the Student Welfare Committee, with the approval of the Legislature, shall recommend three (3) students to the A.S. President, who shall select one (1) of the three (3) to fill the vacancy.)) Legislators who miss three (3) full regularly scheduled consecutive meetings or four (4) full regularly scheduled meetings during a quarter shall have their seat declared vacant by the A.S. Speaker. All vacancies shall be filled for the balance of the term at the next regularly scheduled election.

(5) The Legislature shall be the judge of all of the A.S. election returns and of the qualifications of its legislators and a majority of its legislators shall constitute a quorum; ((it may compel the attendance of absent legislators in such manner and under such penalties as it may provide, and)) there shall be no proxy voting; and there shall be no secret balloting.

(6) The Legislature shall meet not less than ((twice)) once each month during Fall, Winter, and Spring Quarters, and at special meetings called by the Speaker, one third (1/3) of its legislators, or by the presentation to the President of a petition signed by five per cent (5%) of the A.S. All meetings shall be open to the public, a record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the ((college)) university community upon request.

(7) The Legislature shall have the following powers and duties:

(a) Be responsible for its own organization, election of legislative committees, the employment and supervision of those employees whom it deems necessary to assist it or individual legislators in the exercise of their legislative duties and powers, provided it budgets for same, and said salaries shall not exceed a cabinet member's salary.

(b) Elect an A.S. legislator to the position of Speaker the Third (3rd) meeting of Fall, Winter, and Spring Quarters, who shall serve one (1) quarter not counting Summer Quarter. Vacancies occurring in the Speaker's office shall be filled in the same manner for the balance of the unexpired term.

(c) Elect an A.S. legislator to the position of Speaker Pro-Tem the third (3rd) meeting of Fall, Winter, and Spring Quarters, who shall serve one (1) quarter not

counting Summer Quarter. Vacancies occurring in the Speaker Pro-Tem's office shall be filled in the same manner for the balance of the unexpired term.

(d) The Legislature shall elect from among its members a Legislative Coordinator to serve during Summer Quarter who may receive a salary not to exceed that of a Cabinet Member.

~~((f))~~ (e) Shall enforce this Constitution.

~~((f))~~ (f) May remove a cabinet officer for nonperformance of duties or violation of this Constitution.

~~((f))~~ (g) May request the A.S. Superior Court to find the A.S. President guilty of nonperformance of duties stated in this Constitution or violation of this Constitution.

~~((g))~~ (h) Upon a two-thirds (2/3) vote of the A.S. Legislature, the A.S. President may be recalled as described in WAC 172-114-080(5).

~~((h))~~ (i) No legislative committee shall have the authority to delay presentation to the full Legislature legislation referred to it for more than two (2) meetings without permission of the sponsor.

~~((i))~~ (j) Budget and disbursement of all funds on behalf of A.S.

~~((j))~~ (k) Cause to have published an annual Financial Statement and Audit.

~~((k))~~ (l) Establish policies for and have supervision of all officials, budgets, committees, and organizations.

~~((l))~~ (m) Render advice upon and approve or reject all appointments made by officials of the Associated Students of Eastern Washington ((State College)) University.

~~((m))~~ (n) Publish the A.S. Committee Manual stating the membership, eligibility, purpose, and duties of each committee.

~~((n))~~ (o) Approve and remove persons to and from committees.

~~((o))~~ (p) Enact all legislation necessary to ensure that its policies are enforced.

~~((p))~~ (q) Do anything else necessary or convenient to carry out this Constitution.

(r) By a two-thirds (2/3) vote of the A.S. Legislature, the A.S. Legislature may override a veto by the A.S. President.

(8) The Speaker shall have the following powers and duties: Prepare the agenda for and chair all meetings of the Legislature; call meetings of the Legislature; prepare a schedule of regular meetings at the beginning of Fall, Winter, and Spring Quarters for the advice and consent of the A. S. Legislature; appoint a clerk and other assistants which may be beneficial to the performance of his office or the functioning of the Legislature, with its advice and consent, and to request salaries for the same, not to exceed a cabinet member's salary; shall be responsible for executing legislative decisions; all administrative matters of the Legislature; make all legislative appointments, except as otherwise provided in this Constitution, subject to the advice and consent of the Legislature; assume the duties of the Vice President during the Vice President's absence or disability or vacancy of the office of Vice President until the Vice Presidential vacancy is filled as provided for in Article ((H)) IV, section 2 (WAC 172-114-((030)) 050(2); and to do all

things necessary or convenient to carry out such duties not in conflict with this Constitution.

Reviser's Note: WAC 1-13-130 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 75-8, Filed July 24, 1975)

WAC 172-114-050 ARTICLE IV: EXECUTIVE. (1) The Executive power of the A.S. shall be vested in the A.S. President and A.S. Vice President and may not be transferred.

(2) Candidates for the ((office)) offices of and the A.S. President and A.S. Vice President shall be members of the A.S., shall have/maintain a two point (2.00) cumulative grade average, be enrolled for and complete six (6) credit hours in the previous quarter (excluding Summer Quarter for the A.S. Vice President), shall have a minimum of five (5) quarters as a full time student, at least ((two-(2))) three (3) of which shall be in residence at the ((college)) university immediately prior to election for office. The A.S. President's and A.S. Vice President's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding Summer Quarter for the A.S. Vice President), or declaration of nonperformance of duties states in this Constitution or violation of this Constitution, ((by a two thirds (2/3) vote of the A.S. Legislature. Vacancies occurring in the President's office shall be filled at the next regular election for the balance of the unexpired term.)) by the A.S. Superior Court. In case of vacancy in the office of the Presidency, the Vice President shall assume the Presidency for the balance of the unexpired term.

(3) The President and Vice President shall serve one (1) year terms, or until ((his)) a successor takes office, taking office on the ((sixth (6th) Wednesday)) ninth (9th) Thursday of the quarter in which ((he is)) they are elected, which shall be Spring Quarter.

(4) The President shall serve as the chief executive officer and representative of A.S.; shall enforce this Constitution; shall be responsible for executing legislative and judicial decisions; shall present to the Legislature, at its first meeting of each quarter, his executive request legislation; may veto any Legislative Bill or Supplemental Budget passed by the A.S. Legislature within three (3) working days of passage; shall sign all Legislation within three (3) working days of passage or override of veto by the A.S. Legislature; may create cabinet positions and appoint cabinet officers with the advice and consent of the Legislature, who will serve at his pleasure except as provided for in Article III, Section 7((f)) (f) (WAC 172-114-040(7)((f)) (f)), and request salaries for such cabinet officers not to exceed the limit in Article VIII, section ((6)) 7 (WAC 172-114-090((f6)) (7)); make all appointments in an expeditious manner, except as otherwise provided for in this Constitution, subject to the advice and consent of the Legislature, shall hold twice a month executive meetings with the A.S. Vice President, Cabinet, Speaker, and Speaker

Pro-Tem while the university is in session; all administrative matters and programs of A.S. except as otherwise provided for in this Constitution; may request the A.S. Superior Court to find an A.S. legislator guilty of non-performance of his duties stated in this Constitution or violation of this Constitution; and do all things necessary or convenient to carry out such duties not in conflict with this Constitution.

(5) The Vice President shall assume the office of A.S. President upon that position being vacant as provided for in Article IV, Section 2 (WAC 172-114-050 (2)); assume any duties delegated by the President; shall supervise all A.S. elections; shall be responsible for validating all petitions; and assume the duties of the President during the President's absence or disability.

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

AMENDATORY SECTION (Amending Order 75-8, Filed July 24, 1975)

WAC 172-114-060 ARTICLE V: ELECTIONS. (1) There shall be a regular A.S. election on the ((fifth (5th) Wednesday)) eighth (8th) Thursday of Fall, Winter, and Spring Quarters; it shall be preceded by a primary election one (1) week prior, filing shall close one (1) week prior to the primary election and shall open one (1) week prior to closing.

(2) The positions of legislators, President, Vice President, and vacancies therein shall be filled through regular elections with a majority of ballots cast being required for election.

(3) All those candidates who filed in the A.S. office by 5:00 o'clock p.m. on the last day of filing and are qualified shall have their names entered on the primary election ballot. The two (2) candidates receiving the most votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot; provided, however, that in case of a tie for the second most votes in the primary, the three (3) candidates receiving the most votes for that office who are qualified, shall have their names entered on the final election ballot.

(4) Should no candidate receive a majority in the final election, a run-off election shall be held one (1) week after the final election between the two (2) persons receiving the most votes in the final election, who are qualified, and only ballots for those two (2) persons shall be counted; provided, however, that in case of a tie for the second most votes in the final election, the run-off election shall be between the three (3) candidates receiving the most votes for the office, and only ballots, for those three (3) persons shall be counted.

(5) Should no candidate receive a majority in a run-off election, the Legislature shall select the winner from between those entered on the run-off election ballot, by a majority of the legislators at its next meeting.

(6) All votes shall be cast by secret ballot. The names of the candidates shall appear on the ballot in the order in which filed. All ballots shall be kept under lock and key for six (6) months after each election.

(7) The polls shall be located at:

- (a) Pence Union Building;
- (b) Tawanka Commons; and
- (c) As otherwise provided for by the Legislature.

The polls shall be open from 8:00 o'clock a.m. until 7:00 o'clock p.m., and members of A.S. shall be allowed to vote upon presentation of suitable identification, providing that they shall be allowed to vote but once in each election.

(8) Any member of A.S. may present an "Application of Absent Voter" form to the Office of A.S. (~~Executive~~) Vice President or his/her designee for an absentee voter ballot.

(9) Two (2) election clerks shall be assigned to each polling place and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling place. They may not be, nor related to, any current student. They shall be employed through the office of the A.S. (~~Executive~~) Vice President.

Reviser's Note: WAC 1-13-130 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 72-9, Filed September 20, 1972)

WAC 172-114-070 ARTICLE VI: JUDICIAL.

(1) The judicial authority of the A.S. shall be vested in a Superior Court and such lesser courts as the A.S. Legislature may from time to time establish. The judges, both of the Superior and lesser courts, shall be members of the A.S., (~~and~~) have (~~and~~) maintain a two (2.00) cumulative grade average, and be enrolled for and complete six (6) credit hours in the previous quarter (excluding Summer Quarter). Members of the Superior Court and lesser courts shall serve until they resign, cease to be a member of A.S. (excluding Summer Quarter), (~~have less than a two (2.00) cumulative grade average,~~) or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths (3/4) of the Legislators and tried by the (~~college hearing board~~) University Disciplinary Committee.

(2) The Superior Court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of Judicial Review.

(3) No court may render an opinion, hear evidence, nor pass judgment in the absence of a quorum, which shall be a majority of the court.

(4) The Superior Court shall consist of seven (7) Justices who shall select from their members one (1) who shall serve as Chief Justice, the others serving as Associate Justices. It shall be the duty of the Chief Justice to preside as chairman and chief officer at all meetings of the Superior Court and may appoint a court clerk and other assistants which may be beneficial to the functioning of the Superior Court, with the advice and consent of the Legislature, and to request salaries for the same, not to exceed a cabinet member's salary.

(5) The Justices of the Superior Court shall be appointed by the President with the advice and consent of the Legislature. Vacancies shall be filled in the same manner.

(6) The procedure of the judicial shall follow those principles of United States Law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all Superior Court case records and court decisions and opinions shall be maintained in the (~~College~~) University Library.

(7) The Superior Court and lesser courts shall hear all cases and render opinions in an expeditious manner as is possible.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-8, Filed October 1, 1974)

WAC 172-114-090 ARTICLE VIII: BUDGETING. (1) The budgeting authority of the A.S. shall be vested in the Legislature and may not be transferred.

(2) The budget shall include all funds, revenues, and reserves; shall be divided into programs, sub-programs, and objects of expense and shall include supporting data; shall indicate as to each program, sub-program, or object of expense the actual expenditures of the preceding two (2) fiscal years and requested appropriations for the next fiscal year, and shall include any proposed capital improvement program for the next six (6) fiscal years.

(3) Copies of the budget shall be delivered to each member of the Legislature and be available to any member of the (~~college~~) university community upon request.

(4) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years.

(5) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by his action; providing the Legislature may permit the A.S. to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years.

(6) (~~The A.S. President and A.S. Legislature's Speaker shall receive salaries at a rate of Five Hundred Dollars (\$500.00) per quarter that they are enrolled and in office except the Speaker shall not be paid for Summer Quarter. Cabinet officers may be paid no more than one-half (1/2) of an elected officer's salary.~~) Regular budgets shall be those budgets adopted during Spring Quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year.

(7) The A.S. President and A.S. Speaker shall receive quarterly salaries based upon the following formula: Quarterly cost of in-state tuition, double occupancy room and board, and \$100 for expenses. The A.S. Vice President shall receive a quarterly salary, except for Summer Quarter, based upon the following formula: Quarterly cost of in-state tuition and double occupancy room and board. Cabinet officers may be paid no more than one-half (1/2) of the A.S. President's salary.

Reviser's Note: WAC 1-13-130 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 74-5, Filed June 5, 1974)

WAC 172-114-110 AMENDMENTS. (1) This Constitution may be amended by a two-thirds (2/3) vote of those voting on the proposed modification at any regular election ((and)) provided that 15% of the members of A.S. vote in that election. ((if)) If adopted, it shall become effective upon approval, as prescribed under Administrative Procedures Act hearing rules, by the Board of Trustees.

(2) Proposed constitutional amendments shall be presented to the members of the A.S. for approval upon the request of at least two-thirds (2/3) of the voting members of the Legislature or upon petition of at least ten per cent (10%) of the A.S.

(3) The By-Laws may be amended by a two-thirds (2/3) vote of the voting members of the Legislature provided that previous written notice of such amendment has been given at the previous meeting, or by a majority of those voting on the proposed modification at any regular election and if so adopted shall become effective immediately.

(4) Proposed By-Laws amendments shall be presented to the members of the A.S. for approval upon the request of at least one-half (1/2) of the voting members of the Legislature or upon at least ten per cent (10%) of the members of the A.S.

(5) Approved constitutional and By-Laws amendments shall be incorporated into the article, section, and clause of the Constitution or By-Laws to which they refer.

Reviser's Note: WAC 1-13-130 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 78-06-120
PROPOSED RULES**

**CENTRAL WASHINGTON UNIVERSITY
[Filed June 7, 1978]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.40.120, that the Central Washington University intends to adopt, amend, or repeal rules concerning:

Amd chapter 106-124 WAC Board of academic appeals.
Amd chapter 106-120 WAC Student rights and responsibilities.

Amd chapter 106-136 WAC Use of university facilities (entertainment policy).
Amd chapter 106-124 WAC Financial obligations of students;

that such institution will at 10:00 a.m., Thursday, September 14, 1978, in the Samuelson Union Building, Room 206, on the CWU campus conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, September 15, 1978, in the Dean of Students' Office, Samuelson Union Building, CWU campus.

The authority under which these rules are proposed is RCW 28B.40.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Wednesday, September 13, 1978, and/or orally at 10:00 a.m., Thursday, September 14, 1978, Samuelson Union Building, Room 206, on the CWU campus.

Dated: June 6, 1978
By: Barbara A. Davis
Administrative Secretary

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-001 RIGHTS AND RESPONSIBILITIES. The provisions WAC 106-120-001 through WAC 106-120-999 shall constitute the Student Rights and Responsibilities Policy of Central Washington ((State-College)) University.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-010 RIGHTS AND RESPONSIBILITIES OF STUDENTS. (1) Students at the ((College)) university neither lose the rights nor escape the obligations of citizenship. Students retain and enjoy all rights secured to citizens by ((the Constitution and laws of the United States, and the Constitution and laws of the State of Washington, and ordinances and laws of the County of Kittitas and City of Ellensburg)) federal and state laws and by county and city ordinances. Students are obliged to obey these laws and ordinances.

(2) The ((College)) university distinguishes its responsibility for student conduct from the controls imposed by the larger community outside the ((College)) university, and of which the ((College)) university is a part. When students are charged with violations of laws of the nation or state, or ordinances of the county((;)) or city, the ((College)) university will neither request nor agree to special consideration for students because of their status as students, but the ((College)) university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

(3) The ((College)) university reserves the right to impose further sanctions after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

(4) The ((College)) university does not have the responsibilities of a parent for the conduct of students, and is not responsible for law enforcement off campus.

Reviser's Note: WAC 1-13-130 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 22, filed 7/29/75)

WAC 106-120-011 INTERNAL SOLUTION OF PROBLEMS. It shall be a policy of the ((College)) university to solve problems internally when possible. Students and ((College)) university officials should attempt counseling and mediation procedures, using internal ((College)) university resources as far as possible in the resolution of problems and grievances.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-013 DEFINITIONS. When used in WAC 106-120-010 through WAC 106-120-999:

(1) "~~((College)) University~~" shall mean Central Washington ~~((State College)) University~~.

(2) "President" shall mean the President of the ~~((College)) university~~.

(3) "Dean" shall mean the Dean of Student Development of the ~~((College)) university~~, ~~((his delegates,))~~ or his ~~((representative))~~ designee.

(4) "Student" shall mean a person enrolled at the ~~((College)) university~~ either full or part time, pursuing undergraduate, graduate, or extension studies, or a person accepted for admission or readmission to the ~~((College)) university~~.

(5) "Instructor" shall mean any person employed by the ~~((College)) university~~ to conduct classes as set forth in the Faculty Code of Personnel Policy and Procedure. In certain circumstances a person may be both a "student" and an "instructor". Determination of whether such a person's status as student is involved in particular situations shall be determined by the Campus Judicial Council based upon the circumstances.

(6) "Legal Compulsion" shall mean a judicial or legislative order which requires some action by the person to whom it is directed.

(7) "ASC" shall mean the Associated Students of Central.

(8) "Violation of law" shall mean a violation of the laws or ordinances of the federal government or of any state or political subdivision thereof having jurisdiction over the place in which the violation occurs.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-020 PROSCRIBED CONDUCT. A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Academic dishonesty in all its forms including, but without being limited to, cheating on tests, plagiarism, collusion, and submission of another's work product as the student's own.

(2) Cheating on tests.

(3) Copying from another student's test paper.

(4) Using materials during a test not authorized by the person giving the test.

(5) Collaboration with any other person during a test without authority.

(6) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test.

(7) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(8) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(9) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(10) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(11) Filing a formal complaint with the Dean of Student Development or his designee with the intention of falsely accusing another with having violated a provision of this code.

(12) Furnishing false information to the Campus Judicial Council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Campus Judicial Council or the willful failure to appear before the Campus Judicial Council when properly notified to appear.

(13) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or other emergency equipment except when done with the reasonable belief in the existence of a need therefore.

(14) Forgery, alteration, or misuse of ~~((College)) university~~ document, records, or identification cards.

(15) Physically abusing or intentionally inflicting severe emotional distress upon another member of the ~~((College)) university~~ community whether occurring on or off campus; or physically abusing or intentionally inflicting severe emotional distress upon a nonmember of the ~~((College)) university~~ community.

(16) Theft or malicious destruction, damage or misuse of ~~((College)) university~~ property or private property of another member of the ~~((College)) university~~ community whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the ~~((College)) university~~ community.

(17) Unauthorized seizure or occupation or unauthorized presence in any ~~((College)) university~~ building or facility.

(18) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other ~~((College)) university~~ activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the ~~((College)) university~~ to be conducted on campus.

(19) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the ~~((College)) university~~ pursuant to the provisions of WAC 106-120-700 through WAC 106-120-799.

(20) Unauthorized entry upon the property of the ~~((College)) university~~ or into a ~~((College)) university~~ facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any ~~((College)) university~~ facility after closing hours; or unauthorized possession or use of a key to any ~~((College)) university~~ facility.

(21) Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the ~~((College)) university~~.

(22) Possession, use, or distribution on campus of any narcotic or dangerous or unlawful drug as defined by the laws of the United States or the State of Washington except as expressly permitted by law.

(23) Violation of the university ~~((CWSE))~~ Board of Trustees' policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms~~(;)~~ or apartments~~(; or college owned married student housing subject to the following regulations:)~~. Washington State law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty one years of age and for persons who furnish alcoholic beverages to minors. All university students should be aware of these laws and the possible consequences of violations.

~~((i)) Consumption of alcoholic beverages may take place only at private gatherings with a reasonable number of persons.~~

~~((ii)) Quantities of alcoholic beverages must not exceed reasonable amounts. Kegs and keg quantities are not reasonable.~~

~~((iii)) Alcoholic beverages in any form may not be sold in College owned housing, money may not change hands nor may hidden charges provide for alcoholic beverages.)~~

(b) The ~~((College)) university~~ does not condone the consumption of alcoholic beverages at functions sponsored by Central Washington ~~((State College)) university~~ organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington state law.

(c) The Campus Judicial Council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the ~~((College)) university~~.

~~((d)) Washington State Law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty one years of age and for persons who furnish alcoholic beverages to minors. All College students should be aware of these laws and the possible consequences of violations:))~~

(24) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official campus committee or commission or council acting within the scope of its authority.

(25) Violation on campus of any state or federal law or violation of any state or federal law off campus while participating in any ~~((College)) university~~ sponsored activity.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-030 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and may be the sanctions imposed upon violators of chapter 106-120 WAC by the Dean of Student Development or his designee, or by the Campus Judicial Council, ~~((the President, and/or the Board of Trustees:))~~

(1) Warning. Notice to a student in writing that he has been in violation of ~~((College)) university~~ rules or regulations or has otherwise failed to meet the ~~((College's)) university's~~ standard of conduct. Such warning will contain the statement that continuation or repetition of

the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary Probation. Formal action specifying the conditions under which a student may continue to be a student at the ((College)) university. The conditions specified may be in effect for a period of time or for the duration of the student's attendance at the ((College)) university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to ((College)) university or other property and for injury to persons. Failure to make restitution ((within thirty (30) days)) will result in suspension for an indefinite period of time as set forth in subsection (4) below provided that a student may be reinstated upon payment.

(4) Suspension. Temporary dismissal from the ((College)) university and from status as a student, for violation of ((College)) university rules or regulations or for failure to meet ((College)) university standards of conduct. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate ((in writing)) that the conditions for readmission have been met. In the case of an unemancipated minor who is suspended, a copy of the notification of suspension will be sent to the parents or the guardians of the student. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) The time limits that may be imposed in (2), (3), and/or (4) may be modified because of conditions of provable duress on the affected student, including but not limited to illness and injury.

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

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-031 READMISSION AFTER SUSPENSION. Any student suspended from the ((College)) university for disciplinary reasons may be readmitted upon expiration of the time period specified in the document of original suspension. If the affected student feels that circumstances warrant reconsideration of his suspension prior to its time of expiration, he may be readmitted following approval of a written petition submitted to the Dean of Student Development or his designee. Such petitions must state reasons which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the ((College)) university. Approval for such readmission must be given by the ((person or agency who issued the original suspension, and by any person or agency who reviewed the suspension)) dean of student development or his designee and by the Campus Judicial Council.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-032 READMISSION AFTER SUSPENSION—REESTABLISHMENT OF ACADEMIC STANDING. Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided full opportunity to reestablish their academic and student standing to the extent possible within the abilities of the ((College)) university, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-040 COMPLAINTS—DISPOSITION. (1) A complaint alleging misconduct against any student at the ((College)) university may be filed by anyone at the office of the dean of student development. Students, faculty members, administrators and other employees of the ((college)) university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. Persons filing complaints shall be complainant of record.

(2) The dean shall make preliminary investigation to determine whether the charges are significant or whether they may be disposed of informally by the dean without the initiation of disciplinary proceedings.

(3) After investigation, the dean may:

(a) drop the charges, when they appear to be invalid or without substance or capricious;

(b) discuss the situation informally with the student charged, and negotiate a suitable penalty with any student who wishes to plead guilty and/or accept such sanction as the dean may propose;

(c) refer the case to the Campus Judicial Council, in those situations when further examination of evidence is required, or when the dean and the student cannot agree on guilt or a suitable penalty.

(4) When cases are referred to the Campus Judicial Council, the information to the council shall include the nature of the alleged misconduct, name and address of the complainant, name and address of the student(s) charged, and all relevant facts and witness statements.

(5) The individuals involved shall be given a copy of the Student Rights and Responsibilities Policy. This includes but is not limited to: the ((subject in question (defendant);)) student against whom the complaint is made and the person making the complaint ((and the subject's counsel, if known)).

Reviser's Note: WAC 1-13-130 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 7, filed 8/18/72)

WAC 106-120-041 COMPLAINTS—DISPOSITION—PENDING CRIMINAL PROCEEDINGS FOR THE CAMPUS JUDICIAL COUNCIL. If a student charged with misconduct under this code has been charged with a crime for the same act or closely-related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration by said authorities, the Campus Judicial Council should ordinarily postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, the Council may proceed to hear and decide the case prior to the disposition of pending or threatened criminal charges in either of the following instances:

(1) If the student so requests in writing.

(2) If, in the judgment of the Campus Judicial Council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well being of the student himself or of other members of the ((College)) university community.

If in any such proceeding before the Campus Judicial Council there is determination of guilt, and if the subsequent criminal proceeding results in a judgment of acquittal, the student may petition the Campus Judicial Council for a rehearing.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-042 NOTICE REQUIREMENTS. Any student charged in a ((report)) complaint filed pursuant to WAC 106-120-040, with a violation of WAC 106-120-020, shall be notified by the Dean of Student Development or his designated representative within three ((3)) work days after the filing of such a ((report)) complaint, if possible. The notice shall be effective if presented later due to the student's absence. Such notice shall:

(1) Inform the student that a ((report)) complaint has been filed alleging that the student violated specific provisions of the Student Rights and Responsibilities Policy and the date of the violation; and

(2) set forth those provisions allegedly violated; and

(3) specify ((the exact)) a time and date the student is required to meet with the Dean of Student Development or his designee; and

((4)) Specify the exact time, date and location of the informal hearing, if one is required; and

((5)) Inform the student that he may question witnesses, that he may have anyone appear in his behalf to defend him, that he may have a maximum of three (3) character witnesses appear in his behalf; and

((6)) (4) inform the student that failure to appear at ((either of)) the appointed time(s) at the Dean of Student Development's office ((or at the hearing)) may subject him to suspension from the institution ((for a stated or indefinite period of time)).

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-043 MEETING WITH THE DEAN OF STUDENT DEVELOPMENT. (1) At the meeting with the Dean of Student Development or his designee, the student shall be informed of provisions of the ((Code of)) Student Rights and Responsibilities Policy that are involved, that he may appeal any sanction imposed by the Dean of Student Development or his designee to the Campus Judicial

Council and that if a hearing is required, he may have that hearing open to the public. If the student requests a formal hearing, the Dean of Student Development or his designee shall take no action nor make any determination in the matter other than to inform the student ((again)) of the time, date, and location of the formal hearing by the Campus Judicial Council.

~~((2)) A student accused of violating any provisions of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the Dean of Student Development or his designated representative. In case of an unemancipated minor, notification of the disciplinary action taken by the Dean of Student Development or his designated representative shall also be sent to the parents or guardians of the student.~~

~~(3) No disciplinary action taken by or at the recommendation of the Dean of Student Development or his designated representative is final unless the student fails to exercise his right of appeal as provided for in these rules. The president or his designated representative after reviewing the case, including any statement the student may file with the president, shall either give written approval of the action taken by or at the recommendation of the Dean of Student Development or his designee, or given written direction as to what lesser disciplinary action, if any, is to be taken.)~~

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-050 CAMPUS JUDICIAL COUNCIL. (1) The Campus Judicial Council shall be the principal campus wide judicial body with jurisdiction and authority to hear all charges of misconduct against ((individuals)) students, whether graduate or undergraduate, ((except as hereinafter provided, and except for those offenses and situations jurisdiction over which may be delegated to other hearing agencies: when jurisdiction over certain cases is delegated to other hearing agencies, the Campus Judicial Council shall have appellate jurisdiction:)) The Campus Judicial Council has authority to impose the sanctions described in WAC 106-120-030 for ((those)) acts of misconduct specified in WAC 106-120-020. ((with sanctions as described in WAC 106-120-030. Sanctions imposed are not final unless the student elects to waive the rights of appeal as provided in these rules. The President or a person designated by the President shall review the case, together with all materials forwarded by the Campus Judicial Council and by the defendant student, and shall give written approval or disapproval of the Council's actions. If disapproval, then the President or designee shall give written instructions regarding any changes:))

(2) For the purpose of these rules, any person enrolled for classes and considered a student by the definition in WAC 106-120-013 (4) is subject to these rules, independent of any other status the individual may have with the ((College)) university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the ((College)) university in addition to that of student.

(3) The Campus Judicial Council has jurisdiction over all students and student organizations. Other divisions of the ((College)) university may elect to establish subsidiary judicial agencies, over which the Campus Judicial Council will have appellate jurisdiction. Appeals from these subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary judicial agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings. Decisions made by the Campus Judicial Council will be deemed to be final decisions in a contested case and appealable only to the Superior Court.

~~((Subsidiary judicial agencies may be established by carrying out the prescribed process for adopting rules, regulations, and policies, as authorized by RCW 34.04, the Administrative Procedures Act, and will be made a part of these rules, the Policy on Student Rights and Responsibilities chapter 106-120 WAC.~~

Appeals from decisions made by the Campus Judicial Council will be made to the President. Such appeals must be filed in writing within five (5) working days from the time of publication of findings by the Campus Judicial Council. Failure to file an appeal within the specified time shall constitute and be construed as acceptance by all parties of the findings as published.

The President will respond to appeals made from decisions made by the Campus Judicial Council, or by the Dean. Appeals from decisions rendered by the President in such cases may also be appealed, with this appeal being directed to the Board of Trustees of the College. Such appeals must be submitted in writing to the Office of the President within five (5) working days from the time the President has published findings. Failure to file such an appeal within the specified time shall

~~constitute and be construed as acceptance of the findings by all concerned:~~

~~((4)) Persons and agencies to whom appeals are directed will produce findings and render a decision within five (5) working days of receipt of the appeal, except for the Board of Trustees. The Board of Trustees will produce findings and render a decision within ten (10) working days after its next regular meeting:))~~

~~((5)) (4) Persons or agencies levying sanctions should devise sanctions which are in proportion to both the nature and extent of the misconduct, and which compensate as far as possible for injury, expense, and/or inconvenience. The sanction should redress injury, damage, or grievance as far as possible.~~

~~((6)) (5) Due process of law is recognized as essential to the proper enforcement of ((College)) university rules. No charges may be heard or sanctions levied in the name of the ((College)) university except in accordance with these rules.~~

Reviser's Note: WAC 1-13-130 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 22, filed 7/29/75)

WAC 106-120-051 MEMBERSHIP IN CAMPUS JUDICIAL COUNCIL. (1) The council shall consist of three ((3)) faculty members holding the rank of assistant professor or above, and six ((6)) students, at least one of whom would be a graduate student if a graduate student files for election to the council.

(2) The faculty members of the council shall be designated by the Faculty Senate. The student members of the council shall be elected according to procedures indicated by the constitution of the Associated Students of Central. The faculty members will be designated at the beginning of each academic year. Student members shall be elected three ((in the)) during ((fall)) winter quarter registration and three ((in the)) during ((winter)) spring quarter registration, each student being elected for a term of one calendar year, in accordance with the ASC ((Constitution, Article VH)) Bylaws. Terms of office for students begin with the first day of instruction of the quarter following election to office.

(3) A chairperson of the Campus Judicial Council shall be elected at the first meeting of the fall quarter, and shall continue in office until the person's term expires, the person resigns, or is recalled. ((according to provisions of the ASC Constitution:)) The duties of the chairperson are as follows:

(a) To call regular and special meetings of the council by notification to members at least twenty four hours in advance of the meeting time, except in bona fide emergency situations.

(b) To preside over all regular and special meetings.

(c) To act as hearing officer at all meetings of the hearing board.

Reviser's Note: WAC 1-13-130 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 22, filed 7/29/75)

WAC 106-120-055 PROCEDURES FOR HEARING. (a) When disciplinary cases have been referred for hearing, the chairperson shall call a special meeting of the council and arrange for such hearing in the following manner:

(a) The council shall determine the time and place of hearing, which shall be at least two ((2)) working days after said special meeting of the council. Time and place shall be set to make the least inconvenience for all interested parties.

(b) The council shall draw lots to determine a hearing board, consisting of four ((4)) student members and two ((2)) faculty members of the council, and the chairperson of the council acting as hearing officer.

(c) A quorum of the hearing board shall be ((all four (4) student members)) two of the four student members and ((both)) two faculty members, as selected by lot at ((a)) the special meeting of the ((Campus Judicial)) council, and the chairperson of the council. No case shall be heard unless the full membership of the hearing board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or being heard as an original complaint.

(2) The chairperson of the council (~~and hearing officer~~) shall insure that:

(a) the hearing is held in an orderly manner, giving full care that the rights of all parties to a full, fair and impartial hearing are maintained.

(b) ~~(that)~~ the charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) ~~(that)~~ the student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) ~~(that)~~ the hearing board, after all parties have been heard, shall ~~(then)~~ deliberate in ~~(closed)~~ executive session until a decision is reached. After the decision is reached, it shall be ~~(announced in open session of the Hearing Board, and then communicated in writing to the President of the College for his approval, as elsewhere provided in these rules)~~ communicated in writing to all of the parties, including the complainant and to the dean of student development.

(3) Hearings will ordinarily be held in closed session, unless the hearing board shall determine that there is compelling reason for the hearing to be open to all those interested. A closed hearing shall include only members of the hearing board, ~~(the Dean of Student Development or his designee acting ex officio as advisor on procedure, parties)~~ persons directly ~~(interested)~~ involved in the hearing ~~(as accuser and accused)~~ as parties, and persons called as ~~(such)~~ witnesses. ~~(as these regulations provide elsewhere.)~~

If at any time during the conduct of a hearing any person is disruptive of the proceedings and cannot be persuaded to observe the necessary decorum for an appropriate hearing, the hearing officer is empowered to exclude such person from the hearing room, using such means as are necessary to insure an orderly hearing.

(4) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of WAC 106-120-020. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its ~~(proposed)~~ findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in ~~(recommending to the President)~~ deciding the appropriate disciplinary action.

(5) The student shall be given written notice from the dean of student development or his designee by mail to the student's last known address of the time and place of his hearing before the board. Said notice shall contain:

(a) A statement of the date, time, place and nature of the disciplinary proceedings.

(b) A statement of the specific charges against him including reference to the particular sections of chapter 106-120 WAC involved.

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the ~~(College)~~ university at the hearing.

(6) The student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source; he shall be entitled to present evidence in his own behalf and cross-examine witnesses testifying against him as to factual matters. The student shall have all authority possessed by the ~~(College)~~ university to obtain information he specifically describes, in writing, and tenders to the dean of student development or his designee no later than two ~~((2))~~ days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

Notwithstanding the provisions of the paragraph immediately above, the ~~(College)~~ university shall not be liable for information requested by the student or the presence of witnesses when circumstances beyond the control of the ~~(College)~~ university prevent the obtaining of such information or the attendance of such witnesses at the hearing.

(7) The student may be represented by counsel of his choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice law in the state of Washington as his counsel, he must tender two ~~((2))~~ days notice thereof to the dean of student development or his designee.

In all disciplinary proceedings the ~~(College)~~ university may be represented by the dean of student development or his designee ~~(:)~~ who may ~~(he may then)~~ present the ~~(College's)~~ university's case against the student accused of violating WAC 106-120 provided, that

in those cases in which the student elects to be represented by a licensed attorney, the dean of student development or his designee may elect to have the ~~(College)~~ university represented by an assistant attorney general.

(8) The proceedings of the hearing shall be tape recorded. A copy thereof shall be on file at the office of the dean of student development. Either party at its own expense may produce a transcript of the proceedings.

(9) The hearing board may ~~(set another)~~ change the time and place of the hearing for sufficient cause.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-056 PROCEDURES FOR HEARING—ADMISSIBLE EVIDENCE. (1) Only those matters presented at the hearing, in the presence of the accused student, will be considered in determining whether the ~~(student)~~ hearing ~~(committee)~~ board has sufficient cause to believe that the accused student is guilty of violating the rules he is charged with having violated.

(2) In determining whether sufficient cause does exist, members of the ~~(Campus Judicial Council)~~ hearing board shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

(3) The ~~(chairman of the Campus Judicial Council)~~ hearing officer shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-057 PROCEDURES FOR HEARING—INTERFERENCE WITH PROCEEDINGS. Any student interfering with the proceedings of the meeting, with the dean of student development or his designee or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the ~~(College)~~ university by the dean of student development or his designee or the Campus Judicial Council ~~(or the President or the Board of Trustees)~~ at the time the interference takes place and shall be subject to suspension or any lesser sanction as may be determined by the Campus Judicial Council ~~(or President or the Board of Trustees)~~ at the time the interference takes place or within fifteen ~~((15))~~ academic calendar days thereafter.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-058 DECISION BY THE HEARING BOARD.

(1) Upon conclusion of the disciplinary hearing, the hearing board may consider all the evidence therein presented in closed session and decide by majority vote ~~(whether to recommend to the President)~~ any of the following actions:

(a) That the ~~(College)~~ university terminate the proceedings and exonerate the student or students;

(b) that the ~~(College)~~ university impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation;

(c) that the student be suspended from ~~(College)~~ the university including a recommendation of the duration of such suspension.

(2) The student shall be provided with a copy of the board's ~~(recommended)~~ findings of fact and conclusions regarding whether the student did violate any rule or rules of the ~~(Code of)~~ Student Rights and Responsibilities Policy and the board's decision as to the appropriate sanction to be imposed. ~~(and the recommendation to the President. The Campus Judicial Council shall also advise the student in writing of his rights to present a written statement to the President appealing the recommendation of the committee.)~~

Reviser's Note: WAC 1-13-130 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 22, filed 7/29/75)

WAC 106-120-060 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The ~~((President or his designee or the))~~ dean of student development or his designee may summarily suspend any student ~~((of))~~ from the ~~((College))~~ university for not more than ten ~~((10))~~ academic calendar days pending investigation, action or prosecution of charges of an alleged chapter 106-120 WAC violation or violations, ~~((and))~~ if the ~~((President or his designee or the))~~ dean of student development has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of ~~((the))~~ other ~~((College))~~ university community members, or the ~~((safety and well-being of the College))~~ protection of property ~~((command))~~ requires such suspension.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-061 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter the campus of the ~~((College))~~ university other than to meet with the dean of student development or to attend the summary suspension hearing. However, the dean may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

Reviser's Note: WAC 1-13-130 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 22, filed 7/29/75)

WAC 106-120-062 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. If the ~~((President))~~ dean of student development or his designee ~~((or the Dean desires))~~ finds it necessary to exercise the authority to summarily suspend a student, he shall: ~~((cause notice thereof to be served upon that student by registered or certified mail to the student's last known address, or by causing personal service of such notice upon that student:))~~

(1) Give an oral or written notice of the alleged misconduct and violation(s) of any provision(s) of WAC 105-120 to the student;

(2) give an oral or written explanation of the evidence in support of the charge(s) to the student;

(3) given an oral or written explanation of the corrective action or punishment (up to a maximum of ten academic calendar days suspension) which may be imposed, to the student; and

(4) the student shall be provided an opportunity to present his or her explanation of the conduct alleged to be violative of the university's Student Rights and Responsibilities Policy.

Reviser's Note: WAC 1-13-130 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 7, filed 8/18/72)

WAC 106-120-064 DECISION BY THE DEAN. If the dean, ~~((following))~~ at the conclusion of the summary suspension proceedings, finds that there is ~~((probably))~~ probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of chapter WAC 106-120 are alleged has committed one or more of such violations; ~~((upon any College facility))~~ and

(2) ~~((that summary suspension of said student is necessary under the provisions of WAC 106-120-060 through WAC 106-120-068:))~~ such violation or violations of the law or of provisions of chapter WAC 106-120 constitute grounds for disciplinary action; and

(3) ~~((such violation or violations of the law or of provisions of chapter 106-120 WAC constitute grounds for disciplinary action, then the Dean may, with the written approval of the President, suspend such student from the College:))~~ summary suspension of the student is necessary, the dean may immediately suspend such student from the university for up to ten academic calendar days.

Reviser's Note: WAC 1-13-130 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

WAC 106-120-066 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of chapter WAC 106-120 have been alleged has been ~~((served pursuant to the notice required))~~ instructed by the dean of student development or his designee to appear for summary suspension proceedings and then fails to appear at the time designated for the summary suspension proceedings, the dean may ~~((with the written concurrence of the President:))~~ suspend the student from ~~((College))~~ the university, and shall give written notice of suspension to the student at his last address of record on file with the university.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- (1) WAC 106-120-054 EXTRAORDINARY HEARING BOARDS
- (2) WAC 106-120-059 DECISION BY THE HEARING BOARD—THE FINAL DECISION REGARDING DISCIPLINARY SANCTION
- (3) WAC 106-120-063 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS—PROCEDURES OF SUMMARY SUSPENSION HEARING
- (4) WAC 106-120-065 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS—NOTICE OF SUSPENSION
- (5) WAC 106-120-067 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS—APPEAL
- (6) WAC 106-120-068 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS—SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
- (7) WAC 106-120-070 APPEALS

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-124-010 FINANCIAL OBLIGATIONS OF STUDENTS. Admission to or registration with the ~~((College))~~ university, conferring of degrees and issuance of academic transcripts or grade reports may be withheld for failure to meet financial obligations to the ~~((College))~~ university.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-124-011 FINANCIAL OBLIGATIONS OF STUDENTS—APPEAL PROCEDURE. Every student has the right to appeal ~~((a decision of any college department or division to assess))~~ an assessment by the university of a fee, fine, charge, debt, or other financial obligation ~~((of his or hers to the College in writing))~~ by filing a written petition with the appropriate dean or nonacademic area director stating the student's reasons for ~~((the appeal to the division or department head for a determination of))~~ challenging the validity ~~((and legitimacy))~~ of ~~((that))~~ the assessed obligation. ~~((within))~~ The written petition must be filed not less than ten ~~((10))~~ days after the notice of assessment was sent to the student. ~~((If the student has not resolved his or her financial obligation to the College and has not requested a formal hearing pursuant to chapter 28B.19 RCW within ten (10) days after his last appeal action, the College may take any action authorized under WAC 106-124-010))~~ The dean or director, or his designee, shall review the university's decision to assess the fee, fine, charge, debt, or other financial obligation in light of the student's petition appealing the assessment and shall render a decision thereon which shall be final.

Reviser's Note: WAC 1-13-130 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 106-124-200 PURPOSE OF THE BOARD OF ACADEMIC APPEALS. The purpose of the Board of Academic Appeals is to provide for the airing and redress of grievances with due process guarantees for any student against any other student, or member of the

faculty, staff or administration, or any faculty member against any student in matters concerning academic welfare.

NEW SECTION

WAC 106-124-205 JURISDICTION OF THE BOARD OF ACADEMIC APPEALS. The board has jurisdiction over all matters concerning those relationships within the university community which affect the progress or outcome of any specific classroom situation, regardless of whether the acts in question have taken place in or out of the classroom. Jurisdiction extends to all credit generating situations sponsored by Central Washington University.

NEW SECTION

WAC 106-124-210 MEMBERSHIP OF THE BOARD OF ACADEMIC APPEALS. (1) The board shall be made up of ten members, five of whom shall be faculty and five of whom shall be students.

(2) Faculty members of the board will be chosen by the Faculty Senate from among faculty who are not members of the senate or the university administration. The definition "faculty member" will be that which is used in the Faculty Code.

(3) Student members of the board will be chosen by the Joint Committee on Committees from students who are not members of the Board of Control. The definition of "student" will be that used in determining membership in the Associated Students of CWU as indicated by the constitution.

(4) The term of office for faculty members will be two years with staggered terms. Faculty members may be appointed to serve a two year term again after a one year period of nonmembership. The term of office for students will be one year with options of renewal for two more terms, the option being at the discretion of the Joint Committee on Committees.

(5) The chairman of the board shall be elected by the members. The chairman shall preside at all meetings and hearings before the board and be responsible for all business of the board.

(6) Hearings before the board and judgments by the board will be conducted and rendered by a hearing panel made up of the chairman of the board plus four members of the board to be selected two each by the parties to the grievance. In the event that one or both parties to the grievance desires not to select members of the panel or fails to select members of the panel, the chairman of the board will select members from the board as necessary.

NEW SECTION

WAC 106-124-215 POWER OF THE BOARD OF ACADEMIC APPEALS. (1) The board may reject the complaint after due consideration.

(2) In cases involving grade changes or change in class status, the board may order a grade changed or a change in class status.

(3) In cases or aspects of cases determined by the board to involve procedural problems, the board may make recommendations for adjustment to any of the parties to the complaint and/or the appropriate authority.

(4) In cases involving conduct, the board may take one or more of the following actions depending on the seriousness of the case as determined by the board:

(a) The board may issue a restraining order to prevent continued or subsequent acts with respect to the specific situation in question.

(b) The board may reprimand one or more of the parties to the complaint and/or lodge the reprimand with the appropriate authority.

(c) The board may submit to the authority governing the activities involved in the complaint a recommendation or request for disciplinary action for any party to the complaint.

NEW SECTION

WAC 106-124-220 INFORMAL PROCEDURES PRELIMINARY TO PETITIONING THE BOARD OF ACADEMIC APPEALS FOR FORMAL HEARING. (1) Before any action is initiated with the board, the complaining party must first contact and speak personally with the party against whom he has the grievance about the grievance, in an effort to effect a solution.

(2) In the event of a failure of the procedure in paragraph (1), the complaining party, if a student, must contact his assigned advisor in order to attempt to effect a solution.

(3) In the event of the failure of the procedures in paragraphs (1) and (2), the complaining party must then speak to the immediate

supervisor/supervisors of the party against whom he is complaining in an attempt to effect a solution.

NEW SECTION

WAC 106-124-225 PROCEDURES FOR PETITIONING THE BOARD OF ACADEMIC APPEALS FOR A FORMAL HEARING. (1) In the event the preliminary procedures outlined in WAC 106-124-220 fail to bring about a satisfactory solution to the grievance, the complaining party may file a formal appeal to the board. In order to effect this the party obtains an appeal form from the office of the dean of student development. The complaining party then must confer with the advisor, after which the party then files the complaint with the board through the office of the dean of student development. The chairman of the board then notifies the person against whom the complaint has been lodged regarding the nature of the appeal.

(2) An appeal may be withdrawn at any time by notifying the board in writing.

(3) The person against whom the complaint has been lodged must acknowledge, in writing, receipt of the complaint. He may file with the chairman of the board a written reply to the complaint if he desires.

(4) Other interested persons may, upon the request of one of the parties to the complaint or upon request of the hearing panel, submit in writing any observations or relevant information.

(5) When the preceding procedures have been completed, the chairman of the board arranges for a hearing panel, places the case on the board calendar, and notifies the parties involved of the time and place for the hearing. The board will meet regularly unless unusual conditions prevail. The parties to the complaint will be provided with a statement of the rules of the board.

(6) If, without prior notice, either party to the case does not appear at the scheduled hearing or present evidence that circumstances beyond his control prevented his appearance, it will be assumed that he has nothing to add to the evidence already made available to the board.

NEW SECTION

WAC 106-124-230 BOARD PROCEEDINGS. (1) All hearings are closed to all but members of the hearing panel and the participants in the hearing, unless the party against whom the complaint is made requests in writing that the hearing be open.

(2) The hearing will be informal but a record of the proceedings will be maintained. The records shall include:

(a) All documents, motions and intermediate rulings;

(b) evidence received or considered;

(c) a statement of matters officially noticed;

(d) questions and offers of proof, objections and rulings thereon;

(e) proposed findings and exceptions; and

(f) any decisions, opinion or report by the board chairman.

It will be the board policy that the record will be retained for a period of three years and the material will be regarded as confidential. Oral proceedings will be recorded on tape. Copies of the record or any part thereof will be made available to the parties to the complaint, the cost of which will be borne by the party making the request.

(3) The board may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence. No person shall be compelled to divulge by deposition in connection with a court hearing;

(b) take or cause depositions to be taken;

(c) regulate the course of the hearing;

(d) hold the conferences for the settlement or simplification of the issues with the consent of the parties;

(e) dispose of procedural requests or similar matters;

(f) make decisions or proposals for decisions; and

(g) take any other action authorized by this policy.

(4) The board may subpoena witnesses upon the requests of any party to the complaint or upon its own motion only after all other attempts to secure such witnesses have been exhausted and have failed. Costs involved in producing witnesses will be borne by the party requesting the subpoena.

(5) All testimony will be sworn.

(6) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at a hearing, the university may petition the Superior Court of Kittitas County for enforcement of the subpoena according to the provisions of RCW 28B.19.130.

(7) Both parties to the case will have access to the written statement of the other prior to the hearing or prior to any questioning by members of the board at the time of the hearing.

(8) Both parties to the appeal have the right to question the other party as well as any witnesses involved in the hearing. Questions must be germane to the issues of the appeal. The chairman of the board will rule on such matters. All parties have the right to representation and/or advice by counsel of his or her choosing.

(9) Members of the hearing panel may question both parties and witnesses to the complaint. Questions must be germane to the issues of the appeal. The chairman of the board will rule on such matters.

NEW SECTION

WAC 106-124-235 DECISION OF THE BOARD. (1) Decisions of the board are based on a majority vote of the membership of the hearing panel appointed for the hearing, and shall be based exclusively on the evidence and on matters officially noted.

(2) The decision and reasons for the decision will be reported in writing to both parties involved in the matter to the officials who reviewed the appeal, and to appropriate authorities mentioned in the disposition of the decision. Majority and minority opinions will be included in this report.

(3) Parties to the complaint will be notified of the decision of the board no later than one week after conclusion of the hearing.

NEW SECTION

WAC 106-124-240 TIME LIMIT ON FILING COMPLAINT AND RESPONDING TO COMPLAINT. (1) The complaining party must file his complaint within one academic quarter after termination of the course in question, or in cases involving post factum administrative actions such as removal of incompletes, etc., one academic quarter after the administrative deadline for completion of such actions (in the case of spring quarter, by the end of the following fall quarter). The board may suspend this rule in exceptional circumstances, e.g., extended illness, sabbatical leave, etc., of one or both parties to the complaint.

(2) When either party to the complain is no longer in residence at the university and does not expect to return, the board will give them reasonable opportunity to complete appeal procedures or reply to the charges before making a decision.

NEW SECTION

WAC 106-124-245 PROCEDURES FOR IMPLEMENTING GRADE CHANGES. (1) In case the board decides a grade should be changed, the registrar will be sent a copy of the decision authorizing and directing him to change the grade on the student's official record. The student, the instructor, and the chairman of the board will be notified when this has been accomplished.

(2) If the grade in question has resulted in the suspension of the student, suspension will be waived for the quarter immediately following the initiation of appeal procedures. The Academic Standing Committee will be notified to withhold suspension pending outcome of the hearing.

(3) If the board finds in favor of the student such that suspension is no longer a consideration, the board will notify the Academic Standing Committee of the decision and the suspension will be withdrawn.

(4) If the board finds against the student, the Academic Standing Committee will be notified accordingly and the student will be withdrawn from school immediately, or such action as the committee deems appropriate, and the student's fees will be returned according to university fee return policy.

NEW SECTION

WAC 106-124-250 APPEALS OF BOARD DECISIONS. Either party may request of the Board of Trustees of Central Washington University, to appeal a decision of the Board of Academic Appeals to the Board of Trustees. Such request shall be made in writing setting forth in complete detail the reason for the appeal request and filed in the president's office within ten days from the date of the Board of Academic Appeals decision.

If a majority of the Board of Trustees determines that the request for appeal raises questions of significant concern, magnitude or importance to the institution, the Board of Trustees shall grant the request for the appeal. Such appeal shall be in the form of written and oral argument only with no introduction of evidence.

Oral arguments shall be limited to one half hour for each party. The written argument shall be submitted together with seven copies thereof to the president's office and one copy shall be provided to the opposing party, not less than ten days prior to the date on which oral argument shall be presented before the Board of Trustees.

The Board of Trustees may affirm the decision appealed from, or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) In violation of any state or federal constitutional provision; or
(2) In excess of the statutory authority or jurisdiction of the institution; or

(3) made upon unlawful procedure; or

(4) affected by other error of law; or

(5) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or

(6) arbitrary or capricious.

NEW SECTION

WAC 106-124-255 ADMINISTRATIVE AFFAIRS OF THE BOARD OF ACADEMIC APPEALS. The dean of student development will be responsible for the administrative affairs of the Board of Academic Appeals. The records of the board will be housed in the office of the dean. All academic grievances will be filed with the dean of student development and it will be his responsibility to advise students on the functioning of the board; to verify and insure that required procedures preliminary to, during and incidental to, and following formal hearings are adhered to; and to call the board into session promptly until a chairperson is elected. After a complaint has been filed and verified, to notify promptly, in writing, at the request of the board chairman, all parties to the complaint; to call for evidence promptly, in writing, as requested by the parties and to insure safe keeping of said evidence; to keep and maintain the records of board correspondence, transactions, hearings, decisions, etc.; to implement the decisions and directives for the board; and to process, arrange and facilitate appeals of the board's decisions to the Board of Trustees.

NEW SECTION

WAC 106-124-260 ADVISOR FOR THE COMPLAINING PARTY. (1) The dean of student development will appoint an advisor to assist the complainant in filing a formal complaint.

(2) The responsibilities of the advisor are exclusively as follows:

(a) To insure that all informal prerequisites as specified in section WAC 106-124-220 of Rules Governing the Board of Academic Appeals have been completed by the complainant;

(b) to assist the individual in properly completing the complaint form;

(c) to make recommendations to the complainant concerning presentation of necessary information to the Board of Academic Appeals (i.e., complaint form, letters of correspondence between parties, documents, witnesses, legal counsel, etc.).

NEW SECTION

WAC 106-124-265 ENABLING AND AMENDING. Operation of the Board of Academic Appeals will commence upon final approval of the Board of Trustees of Central Washington University. The structure and procedures of the Board of Academic Appeals may be amended by the Faculty Senate at any time with the approval of the Board of Trustees.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-600 ENTERTAINMENT POLICY. The provisions of WAC 106-136-600 through 106-136-((699)) 680 shall constitute the entertainment policy of Central Washington ((State College)) University.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-601 ENTERTAINMENT DEFINED. "Entertainment" wherever used in WAC 106-136-600 through ((699)) 680 shall be defined as follows: "Any performance, dance, concert, attraction, fund raising event or other event presented on campus that shall require the use of Central Washington ((State College)) University

facilities and is sponsored by either the Associated Students of Central, an officially recognized student organization, or private entity."

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-605 APPROVAL OF ENTERTAINMENT REQUIRED. All entertainment, except those events offered through the administering of WAC 106-136-660, 670, and 680, to be presented on the Central Washington ~~((State College))~~ University campus must have the ~~((written))~~ signed approval of the ~~((Entertainment Commission))~~ dean of student development or his designee. ~~((The Student Accountant will study the financial feasibility reports of the entertainment in question, and will make a written recommendation concerning such financial feasibility to the Entertainment Commission.))~~

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-620 RESPONSIBILITIES OF THE ASSOCIATED STUDENTS OF CENTRAL. The Associated Students of Central shall provide crowd control personnel for all entertainment that the Associated Students of Central sponsor. The areas may be required to assume financial responsibility and liability for any claims that may arise against the ~~((college))~~ university for damage or injuries occurring as a result of an Associated Students of Central sponsored entertainment event.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-630 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS AND PRIVATE ENTITIES. All officially recognized student organizations and private entities presenting entertainment as determined and approved by the ~~((Entertainment Commission))~~ dean of student development or his designee are subject to the provisions of WAC 106-136-600 through ~~((699))~~ 680 and shall be subject to the same regulations concerning responsibilities and liabilities as ~~((Entertainment Commission as))~~ set forth in WAC 106-136-625.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-631 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS—DEPOSIT OF RENTAL FEE. All recognized student organizations and private entities ~~((shall))~~ may be required to deposit, in advance, with the ~~((College))~~ university scheduling office in cash, certified check or money order only, the rental fee for the facilities to include set up and clean up charges.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-632 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS—DAMAGES BOND. All organizations as defined in WAC 106-124-105(2) and private entities may be required to furnish Central Washington ~~((State~~

~~College))~~ University with a certificate of insurance or other satisfactory proof that such organization or private entity has purchased reasonable broad form insurance coverage (e.g., \$1,000,000 liability coverage and \$250,000 property damage coverage for use of Nicholson Pavilion) for the entertainment event presented by such organization or private entity, of which Central Washington ~~((State College))~~ University is the sole beneficiary. ~~((†))~~ The following shall be required of all organizations and private entities presenting entertainment:

~~((a))~~ (1) Each organization or private entity shall provide the scheduling office with a complete list of all the officers, agents and representatives of the organization, including full names, local addresses and permanent addresses of each.

~~((b))~~ (2) Each organization or private entity shall be responsible for the admissions, attendance and crowd control in the ~~((college))~~ university facilities during the time reserved for their organization.

~~((c))~~ (3) Each organization or private entity assumes responsibility for all violations of ~~((college))~~ campus regulations and policies, state law, and federal law which occur in connection with the use of the facilities and shall hold the ~~((college))~~ university harmless from any claims or liability for any act or failure to act on the part of the organization.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-640 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE. Consistent with the scheduling policy, the ~~((Entertainment Commission))~~ dean of student development or his designee will be responsible for securing a facility and a date subject to calendar approval by the scheduling office. If the Pavilion, McConnell, Hertz or Hebel ~~((is))~~ are the ~~((facility that is))~~ facilities being requested, approval will have to be sought ~~((first by the scheduling office, and then by))~~ from the ~~((chairman of the Department of Physical Education))~~ appropriate department chairpersons through the scheduling office. The priority of the ~~((Pavilion))~~ above mentioned facilities is first in terms of class space, second for ~~((college))~~ university sponsored ~~((athletics))~~ events and third for ~~((intramurals, fourth for Co-Recreation, and fifth for))~~ entertainment sponsored by or recognized by the ~~((Entertainment Commission))~~ dean of student development or his designee.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-641 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—PROCEDURE FOR REQUEST. Initial requests for a scheduling date and approval of an entertainment event and the use of a ~~((college))~~ campus facility for that event shall be made through the scheduling office twenty ~~((20))~~ business days prior to the date requested (not including the day of the event) before the contract will be executed on the part of the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-642 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—PROHIBITION OF ASSIGNMENTS. The privilege to use ~~((college))~~ campus facilities for entertainment is subject to the provisions of WAC 106-136-600 through ~~((699))~~ 680 and may not be assigned; if any assignment is made, the ~~((college))~~ university reserves the right to cancel the scheduling of the assigned entertainment event.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-643 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—REQUIREMENTS FOR SCHEDULING. No facility will be scheduled for use by recognized student organizations or private entities until a duly authorized representative of that organization has:

- (1) signed a contract for the ~~((rental))~~ use of the facility;
- (2) paid the rental fee for the use of that facility, if required in advance;
- (3) furnished satisfactory proof of the acquisition of the insurance coverage required by this policy, ten ~~((10))~~ business days prior to the date requested.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-644 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—LIMITATIONS ON USE OF FACILITIES ((~~AND AUTHORITY OF SCHEDULING OFFICER~~)). (1) facilities for presentation of entertainment of organizations as defined in WAC 106-124-105(2) may not be scheduled, rented, or used on any regular series basis, daily, weekly, monthly, or in any manner that establishes a consistent pattern of usage or commitment of ((~~college~~) campus facilities.

(2) The ((~~Scheduling Officer of Central Washington State College~~) dean of student development or his designee may impose special conditions of additional requirements where necessary to meet proper health or safety standards, or to assure compliance with ((~~college~~) campus rules, upon any organization or private entity as a condition precedent to the presentation of entertainment. The ((~~Scheduling Officer may in his or her~~) dean of student development or his designee may use whatever discretion ((~~make~~) necessary in making exceptions to the provisions of WAC 106-136-600 through ((699)) 680 where extraordinary circumstances exist.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-645 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE—REQUIREMENTS FOR EXECUTION OF CONTRACT AND CONTENTS. At such time as the requirements of WAC 106-136-600 through ((699)) 680 are fulfilled, a contract may be executed with the ((~~college~~) university).

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-650 ENTERTAINMENT RESPONSIBILITIES ((~~OF THE ENTERTAINMENT COMMISSION~~)). The ((~~Entertainment Commission~~) dean of student development or his designee shall coordinate and administer the provisions of WAC 106-136-600 through ((699)) 680, process forms, and advise the Scheduling ((~~Officer~~) office on situations where special conditions should be imposed or exceptions to the provisions of WAC 106-136-600 through ((699)) 680 should be made.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-660 AUTHORITY OF ATHLETIC DIRECTOR TO ADMINISTER ATHLETIC EVENTS. The Athletic Director of Central Washington ((~~State College~~) University shall establish reasonable admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central ((~~Washington State College~~)). Advance notice of such admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central Washington ((~~State College~~) University will be provided to interested parties, whenever possible, by the Athletic Director ((~~of Central Washington State College~~)).

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-670 AUTHORITY OF DEAN OF STUDENT((S)) DEVELOPMENT TO ADMINISTER RECREATION PROGRAM. The dean of student((s)) development or his designee may establish reasonable admission charges, schedules, rules and regulations regarding uses, attendance and crowd control at Nicholson Pavilion and Pool, and admission charges will be assessed for ((~~college~~) university employees and their immediate families during such periods. Advance notice of such charges, schedules, rules and regulations shall be provided to interested parties, whenever possible, by the dean of student((s)) development or his designee.

Reviser's Note: WAC 1-13-130 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 17, filed 7/2/74)

WAC 106-136-680 AUTHORITY OF ACADEMIC DEPARTMENTS TO ADMINISTER THEIR SPONSORED PUBLIC EVENTS. ((~~Academic departments after~~) Following approval by the appropriate dean, academic departments may establish reasonable admission fees, rules and regulations regarding attendance and crowd control for public events which they sponsor. Such admission charges may be assessed for ((~~college~~) university staff, faculty, student body, and the general public. ((~~PROVIDED, that~~) However, when Central Washington ((~~State College~~) University student fees are allocated for the direct support of an academically related public event, Central Washington ((~~State College~~) University students shall ((~~not be charged admission for such an event~~) normally be provided a reduced student admission charge for such event. Advance notice of such admission fees, rules and regulations shall be provided to interested parties as soon as possible after their adoption, by the respective academic departments.

Reviser's Note: WAC 1-13-130 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 78-07-001

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-35—Filed June 8, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing regulations—Snake 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 this order provides common regulations in waters concurrent with Idaho.

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 June 8, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-57-44500A SNAKE RIVER Notwithstanding the provisions of WAC 220-57-445, it shall be lawful to take, fish for or possess salmon for personal use by angling in that portion of the Snake River from

Clarkston, Washington-Lewiston, Idaho Bridge upstream to the Oregon border from June 10 through July 15, 1978. BAG LIMIT: One salmon over 16 inches. The possession limit at any one time shall not exceed two fresh salmon.

e ✓

WSR 78-07-002

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 66, Resolution 75—Filed June 9, 1978]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Street, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Class H Restaurant—Qualifications (Rule 35), amending WAC 314-16-190.

This action is taken pursuant to Notice No. WSR 78-05-083 filed with the code reviser on 5/2/78. 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, 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 June 8, 1978.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 55, filed 5/31/77)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (RULE 35). (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of ~~((1/4))~~ one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen

equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of ~~((100))~~ one hundred dollars or more, and such food sales shall amount to ~~((40))~~ forty percent or more of the restaurant's total food-liquor sales.

(5) Each Class H restaurant licensee shall submit semi-annual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than ~~((100))~~ one hundred dollars, or its food sales are less than ~~((40))~~ forty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.

(7) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

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

WSR 78-07-003
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1304—Filed June 9, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to disregard of income and resources, amending WAC 388-28-575.

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 the emergency order will protect and provide substantial benefits to clients and is believed to be carrying out the intent of a recent court order and interpretation of federal regulations.

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 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 June 9, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1287, filed 4/13/78)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) *In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:*

(a) *Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.*

(b) *Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.*

(c) *Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.*

(d) *The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.*

(e) *Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent*

such payments are exempt from taxation under Section 21(a) of that Act.

(f) *From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.*

(g) *Earnings received by any person under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.*

(h) *Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.*

(2) *In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:*

(a) *Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.*

(b) *The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.*

(c) *The value of the U.S. Department of Agriculture donated foods (surplus commodities).*

(d) *Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.*

(e) *Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.*

(f) *Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.*

(g) *Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended.*

WSR 78-07-004
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed June 12, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College intends to adopt, amend, or repeal rules concerning the adoption of permanent rules adding sections to chapter 132H-160 WAC: Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII relating to tuition and fee waivers;

that such institution will at 1:30 p.m., Tuesday, August 8, 1978, in the Board Room, Bellevue Campus, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, August 8, 1978, in the Board Room, Bellevue Campus, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to August 8, 1978, and/or orally at 1:30 p.m., Tuesday, August 8, 1978, Board Room, Bellevue Campus, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: June 8, 1978
By: Thomas E. O'Connell
Secretary

NEW SECTION

WAC 132H-160-053 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW 28B.15.530. (1) Tuition and fee waivers for needy or disadvantaged students in any fiscal year, excluding waivers granted for Summer Quarter enrollments, as authorized by RCW 28B.15.530 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and non-resident tuition and fees.

(2) The estimated total collection of tuition and fees shall be based on the budgeted, state supported, four-quarter annual average enrollment, minus the actual tuition and fees collected for the summer quarter of the year being estimated.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the State Director of Community Colleges or his designee. Additional waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) There is no percentage limitation on the amount of tuition and fee waivers granted for Summer Quarter enrollments provided that recipients of such waivers qualify as needy, resident students.

NEW SECTION

WAC 132H-160-056 PROCEDURE FOR DETERMINING LIMITATION OF THE AMOUNT OF TUITION AND FEE WAIVERS. For the purpose of determining the amount of any fee waiver established the various community colleges will limit any individual award to the difference between the cost of attending the community college, including the cost requirements of the student, his dependents, and/or his family, and the expected parental and/or independent student contribution toward such cost.

NEW SECTION

WAC 132H-160-059 COMBINATION OF TUITION AND FEE WAIVERS WITH OTHER FORMS OF STUDENT FINANCIAL AID. Nothing is intended to prevent the award of tuition and fee waivers in conjunction with other forms of student financial aid as a package designed to meet the overall educational assistance needs of any student.

WSR 78-07-005

EMERGENCY RULES

BELLEVUE COMMUNITY COLLEGE

[Order 59, Resolution 113—Filed June 12, 1978]

Be it resolved by the board of trustees of Bellevue Community College, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and

adopt the annexed rules relating to the adoption of emergency rules adding sections to chapter 132H-160 WAC. Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII.

We, the board of trustees of Community College District VIII, 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 addition of sections WAC 132H-160-053-056 and 132H-160-059 are being filed as emergency rules in order to make available to the community the procedures relating to tuition and fee waivers at the earliest possible time.

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

This rule is promulgated under the general rule-making authority of the board of trustees of Community College District VIII, Bellevue Community College, as authorized in RCW 28B.50.140.

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

APPROVED AND ADOPTED June 6, 1978.

By Thomas E. O'Connell
Secretary

NEW SECTION

WAC 132H-160-053 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW 28B.15.530.

(1) Tuition and fee waivers for needy or disadvantaged students in any fiscal year, excluding waivers granted for Summer Quarter enrollments, as authorized by RCW 28B.15.530 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and non-resident tuition and fees.

(2) The estimated total collection of tuition and fees shall be based on the budgeted, state supported, four-quarter annual average enrollment, minus the actual tuition and fees collected for the summer quarter of the year being estimated.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written

approval from the State Director of Community Colleges or his designee. Additional waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) There is no percentage limitation on the amount of tuition and fee waivers granted for Summer Quarter enrollments provided that recipients of such waivers qualify as needy, resident students.

NEW SECTION

WAC 132H-160-056 PROCEDURE FOR DETERMINING LIMITATION OF THE AMOUNT OF TUITION AND FEE WAIVERS. For the purpose of determining the amount of any fee waiver established the various community colleges will limit any individual award to the difference between the cost of attending the community college, including the cost requirements of the student, his dependents, and/or his family, and the expected parental and/or independent student contribution toward such cost.

NEW SECTION

WAC 132H-160-059 COMBINATION OF TUITION AND FEE WAIVERS WITH OTHER FORMS OF STUDENT FINANCIAL AID. Nothing is intended to prevent the award of tuition and fee waivers in conjunction with other forms of student financial aid as a package designed to meet the overall educational assistance needs of any student.

**WSR 78-07-006
PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
[Filed June 12, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 41.05 RCW, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning:

- Amd 182-12-115 Eligible employees and retirees.
- New 182-12-122 Surviving dependents eligibility;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 21, 1978, in the Washington Education Assoc. Building, 319 E. 7th, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 20, 1978, and/or orally at 9:00 a.m., Friday, July 21, 1978, Washington Education Assoc. Building, 319 E. 7th, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-06-039 filed with the code reviser's office on 5/19/78.

Dated: June 12, 1978
By: C. H. Shay
Group Insurance Analyst

**WSR 78-07-007
PROPOSED RULES
DEPARTMENT OF PERSONNEL
[Filed June 12, 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:

- Amd WAC 356-10-030 Positions—Allocation—Reallocation.
- Amd WAC 356-10-050 Positions—Reallocation upward, incumbents.
- Amd WAC 356-10-030 Positions—Allocation—Reallocation.
- Amd WAC 356-10-050 Positions—Reallocation upward, incumbents.
- Amd WAC 356-10-060 Allocation—Appeals;

that such agency will at 10:00 a.m., Thursday, July 6, 1978, in the Board Hearing Room, 600 South 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., Thursday, July 6, 1978, in the Board Hearing Room, 600 South 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 orally at 10:00 a.m., Thursday, July 6, 1978, Board Hearing Room, 600 South Franklin, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-06-029 filed with the code reviser's office on May 18, 1978.

Dated: June 9, 1978
By: Leonard Nord
Secretary

**WSR 78-07-008
ADOPTED RULES
DEPARTMENT OF PERSONNEL
[Order 121—Filed June 12, 1978]**

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

- Amd WAC 356-15-050 Holiday compensation.
- Amd WAC 356-15-120 Special assignment pay provisions.
- Amd WAC 356-46-030 Disclosure of political, religious affiliations—Prohibited.
- Amd WAC 356-46-050 Payroll certification.
- Amd WAC 356-46-100 Rules—Amendments—Notice.
- Amd WAC 356-46-130 State housing committee—Responsibilities.

This action is taken pursuant to Notice No. WSR 78-05-047 filed with the code reviser on 4/24/78. 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 June 8, 1978.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

WAC 356-15-050 HOLIDAY COMPENSATION. (1) All full time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030(2) (~~and~~), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and Nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at a time-and-one-half rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed time-and-one-half, when their appointing authority deems it appropriate.

(2) Compensation shall be in either cash or compensatory time as indicated in WAC 356-15-030(5).

AMENDATORY SECTION (Amending Order 110, filed 10/6/77)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision of mentally retarded residents or mental patients. Basic salary range plus one salary range shall be paid only to employees in the classes below who have this supervision assigned.

- 8003 - Food Service Aide ((H)) 1
- 8005 - Food Service Aide ((H)) 2
- 8007 - Food Service Aide ((H)) 3
- 8205 - Laundry Worker ((H)) 1
- 8430 - Seamstress ((H)) 1
- 8432 - Seamstress ((H)) 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

- 7770 - Warehouse Worker ((H)) 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other

than ((~~Diver-I~~)) Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus one range shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator

0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician ((H)) 3 class and the top step of the salary range representing a two-range increase over the Maintenance Technician ((H)) 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four (4) hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

- 7107 - Maintenance Technician ((H)) 1
- 7109 - Maintenance Technician ((H)) 2
- 7111 - Maintenance Technician ((H)) 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator ((H)) 1

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus two ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent ((H)) 1 (4110) and ((H)) 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030 (1)(e).

(8) Basic salary plus two ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030 (1) (e). Effective period of this action shall be from April 1, 1978 to December 31, 1978.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-46-030 DISCLOSURE OF POLITICAL((=)), RELIGIOUS AFFILIATIONS—PROHIBITED. No recommendation of any applicant, eligible or employee involving a disclosure of ((his)) political or religious opinions or affiliations shall be considered or filed by the agencies, the Board or any office

or employee concerned in making appointments or promotions.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-46-050 PAYROLL CERTIFICATION. In accordance with the requirements of RCW 41.06.270, the following procedure for certification of payrolls is hereby established by joint action of the Board and the Director of the Office of (~~Program Planning and Fiscal~~) Financial Management.

(1) Before presentment to any disbursing officer, each agency head, or ((his)) designee, shall make the following certification on each payroll register which reflects payments to employees covered by the provisions of chapter 41.06 RCW:

"I hereby certify that amounts listed in this payroll are true and correct charges, and that employees rendering service in a position covered by chapter 41.06 RCW have been employed in accordance with the provisions thereof and the rules, regulations, and orders issued thereunder.

By (title) (date)"

(2) The certification shall be signed by the agency head, or ((his)) designee. One copy of each certified payroll register shall be maintained as part of the record files of the agency and a duplicate copy submitted to the Director.

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 356-46-100 RULES—AMENDMENTS—NOTICE. Whenever necessary or desirable, the Director shall consult with agencies and employee representatives affected to receive recommended amendments to the Merit System Rules. After 20 calendar days' notice to the above affected groups, the Board shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution.

AMENDATORY SECTION (Amending Order 106, filed 7/25/77)

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the Board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a State Housing Committee consisting of:

- (a) A chairperson appointed by the Director and from the staff of the Department of Personnel.
- (b) A representative from:
 - (i) Department of Social and Health Services

- (ii) Department of (~~Highways~~) Transportation
- (iii) Department of Natural Resources
- (iv) Department of Fisheries
- (v) Department of Game
- (vi) Parks and Recreation Commission
- (vii) Department of Veterans Affairs, and
- (viii) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

- (2) It shall be the responsibility of the committee to:
 - (a) Establish procedures for
 - (i) conducting committee business on a scheduled basis,
 - (ii) reviewing problems concerning rent, utilities, and housing maintenance, and
 - (iii) facilitating communications between affected agencies and employees; and
 - (b) Recommend to the Board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the Board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the Board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

WSR 78-07-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 78-36—Filed June 12, 1978]

I, Gordon Sandison, director of 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 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 is necessary to protect Lake Washington sockeye salmon. A run well below the established escapement goal is presently predicted.

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

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

APPROVED AND ADOPTED June 12, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-004B0E **MINIMUM MESH SIZE** Effective immediately, through June 24, 1978, it shall be unlawful for any fisherman, including treaty Indian fishermen to take, fish for or possess salmon for commercial purposes, in Treaty Indian Salmon Management and Catch Reporting Area 4B, with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-00500B **MINIMUM MESH SIZE** Effective immediately, through June 24, 1978, it shall be unlawful for any fisherman, including treaty Indian fishermen to take, fish for or possess salmon for commercial purposes, in Treaty Indian Salmon Management and Catch Reporting Area 5, with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-00600H **MINIMUM MESH SIZE** Effective immediately, through June 24, 1978, it shall be unlawful for any fisherman, including treaty Indian fishermen to take, fish for or possess salmon for commercial purposes, in Treaty Indian Salmon Management and Catch Reporting Area 6, with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-006B0C **CLOSED AREA** Effective immediately through July 24, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 6B with any type of gear.

NEW SECTION

WAC 220-28-006C0A **MINIMUM MESH SIZE** Effective immediately, through June 24, 1978, it shall be unlawful for any fisherman, including treaty Indian fishermen to take, fish for or possess salmon for commercial purposes, in Treaty Indian Salmon Management and Catch Reporting Area 6C, with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-00900B **CLOSED AREA** Effective immediately through July 31, 1978 it shall be unlawful

for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 9, with any type of gear.

NEW SECTION

WAC 220-28-009A0A **CLOSED AREA** Effective immediately through July 31, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 9A with any type of gear.

NEW SECTION

WAC 220-28-00100B **CLOSED AREA** Effective immediately through July 31, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10 with any type of gear.

NEW SECTION

WAC 220-28-010A0G **CLOSED AREA** Effective immediately through July 15, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10A with any type of gear.

NEW SECTION

WAC 220-28-010B0F **CLOSED AREA** Effective immediately through July 31, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10B with any type of gear.

NEW SECTION

WAC 220-28-010C0A **CLOSED AREA** Effective immediately through September 19, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10C with any type of gear.

NEW SECTION

WAC 220-28-010D0C **CLOSED AREA** Effective 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 in Treaty Indian Salmon Management and Catch Reporting Area 10D or from the waters of the Cedar River, with any type of gear.

Those areas and times not specifically closed by this Order remain closed to all treaty Indian fishing except as permitted by tribal regulations filed with the U.S. District Court and the Departments of Fisheries and Game which comply with the decision and subsequent orders in U.S. v. Washington Civil No. 9213. No fishing

outside the usual and accustomed grounds and stations is authorized by this Order. This Order is not an opening of any times or areas to treaty Indian fisheries which have not been opened by properly filed tribal regulations.

WSR 78-07-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 78-37—Filed June 12, 1978]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 there is an unexpectedly poor return of spring chinook to Carson Hatchery. This order is necessary to protect the remaining 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 June 12, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-57-51500A WIND RIVER Notwithstanding the provisions of WAC 220-57-515 it shall be unlawful from June 14, 1978 until further notice to take, fish for or possess salmon for personal use in that portion of the Wind River downstream from markers 400 feet below Wind River Fishway No. 1 (Shippard Falls) to the mouth.

NOTE: The special fly fishing only season remains unchanged.

WSR 78-07-011
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 78-7—Filed June 14, 1978]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department

of Ecology, Lacey, WA, the annexed rules relating to the administration and enforcement of the permit system for shorelines management as established by the Shorelines Management Act of 1971, amending chapter 173-14 WAC.

This action is taken pursuant to Notice No. WSR 78-04-063 filed with the code reviser on 3/31/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 13, 1978.

By: Elmer C. Vogel
Deputy Director

Chapter 173-14 WAC
PERMITS FOR ((SUBSTANTIAL)) DEVELOPMENTS ON SHORELINES OF THE STATE

- WAC 173-14-010 Authority.
- 173-14-020 Purpose.
- 173-14-030 Definitions.
- 173-14-040 Exemptions from permit system.
- 173-14-050 Application of the permit system to substantial development undertaken prior to the act.
- 173-14-060 Time requirements of permit.
- 173-14-062 Applicability of permit system to federal agencies.
- 173-14-064 Revisions to substantial development, conditional use, and variance permits.
- 173-14-070 Notice required.
- 173-14-080 Public hearings.
- 173-14-090 Filing with department and attorney general.
- 173-14-100 Review criteria for substantial development permits.
- 173-14-110 Application for substantial development, conditional use, or variance permit.
- 173-14-115 Letter of exemption.
- 173-14-120 Permits for substantial development, conditional use, or variance.
- 173-14-130 Department review of conditional use and variance permits.
- 173-14-140 Review criteria for conditional use permits.
- 173-14-150 Review criteria for variance permits.
- 173-14-170 Requests for review.
- 173-14-174 Certification of requests for review.
- 173-14-180 Regulatory orders by local government or the department.
- 173-14-190 Hearings on regulatory orders.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-010 AUTHORITY. This regulation is adopted pursuant to RCW 90.58.140(3) and RCW 90.58.200, the Shoreline Management Act of 1971.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-020 PURPOSE. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management established therein. The purpose of this regulation is to establish basic rules for the permit system in harmony with the spirit of RCW 90.58.140(3) (~~which provides that local government shall establish a program consistent with rules adopted by the department for administration and enforcement of the permit system for shoreline management~~)).

This administrative regulation is drafted to also reflect RCW 90.58.050 which provides that the intent of the shoreline management act is to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating and administering the regulatory program of shoreline management, whereas the department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policies and provisions of the shoreline management act.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-030 DEFINITIONS. The following definitions shall apply:

- (1) "Department" means the department of ecology.
- (2) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to this chapter.
- (3) "Final order" shall include the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115.
- (4) "Act" shall mean chapter 286, Laws of 1971 ex. sess., the Shoreline Management Act of 1971.
- (5) "Substantial development undertaken on the shorelines of the state prior to the effective date of the Act" shall mean actual construction begun upon the shoreline as opposed to preliminary engineering or planning.

(6) "Average grade level" shall mean the average of the natural or existing topography (~~at the center of all exterior walls of a building or structure to be placed on a site;~~) of the portion of the lot, parcel or tract of real property which will be directly under the proposed building or structure: PROVIDED, That in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

(7) "Natural or existing topography" shall mean the topography of the lot, parcel or tract of real property immediately prior to any site preparation grading, excavation, or filling.

(8) "Height" shall be measured from average grade level to the highest point of a structure: PROVIDED, That appurtenances such as television antennas and chimneys shall not be used in calculating height.

(9) "Applicable master program" shall mean the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government.

(10) The definitions and concepts set forth in RCW 90.58.030 shall also apply as used herein.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-040 EXEMPTIONS FROM PERMIT SYSTEM. The following shall not require substantial development permits for the purposes of the act:

(1) Any development of which the total cost or fair market value, whichever is higher, does not exceed \$1000, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

(2) Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.

(3) Construction of the normal protective bulkhead common to single-family residences.

(4) Emergency construction necessary to protect property from damage by the elements.

(5) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(6) Construction or modification of navigational aids such as channel markers and anchor buoys.

(7) Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

(8) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners,

lessee, or contract purchaser of a single-family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars.

(9) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.

(10) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(11) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of ~~((this))~~ the 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

(12) Any project with a certification from the governor pursuant to chapter 80.50 RCW.

(13) ~~((No permit shall be required under chapter 90.58 RCW for))~~ The construction of up to 500 feet of one and only one road or segment of a road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW, the Forest Practices Act, and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.

AMENDATORY SECTION (Amending Order 73-23, filed 10/23/73)

WAC 173-14-050 APPLICATION OF THE PERMIT SYSTEM TO SUBSTANTIAL DEVELOPMENT UNDERTAKEN PRIOR TO THE ACT. Substantial development undertaken on the shorelines of the state prior to the effective date of the act shall not require a permit except under the following circumstances:

(1) Where the activity was unlawful prior to the effective date of the act.

(2) Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(3) Where the development is not completed within two years after the effective date of the act. In determining the running of the two-year period hereof, those periods of time after June 1, 1971 shall not be included during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue.

(4) Where substantial development occurred prior to the effective date of the act on a shoreline and continued

on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-060 ((SCOPE)) TIME REQUIREMENTS OF PERMIT. The following time requirements shall apply to all substantial development ~~((permits and))~~, conditional use~~((s))~~ and variance~~((s))~~ permits:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the act must be undertaken within two years after the approval of the ~~((substantial development))~~ permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the criteria set forth in WAC 173-14-100. ~~((Provided, that))~~ In determining the running of the two-year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue~~((;))~~; PROVIDED ((FURTHER)), That local government may, at its discretion extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

(2) If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, do either of the following:

(a) Extend the permit for one year; or

(b) Terminate the permit~~((;))~~;

PROVIDED, That nothing herein shall preclude local government from issuing ~~((substantial development))~~ permits with a fixed termination date of less than five ~~((5))~~ years.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-062 APPLICABILITY OF PERMIT SYSTEM TO FEDERAL AGENCIES. The ~~((substantial development))~~ permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the shoreline management act and the department for shorelines of the state.

(1) Federal agencies shall not be required to obtain permits for ~~((substantial))~~ developments undertaken by the federal government on lands owned in fee by the federal government, unless the federal government

grants or reserves to the state or local government, substantial jurisdiction over activities on those lands.

~~(2) ((Upon approval of the Washington state shoreline program pursuant to the coastal zone management act, 16 U.S.C. 1451 et seq., the federal government shall be subject to the state shoreline program as provided by the coastal zone management act.~~

~~(3))~~ The ~~((substantial development))~~ permit system shall apply to nonfederal activities constituting ~~((substantial))~~ developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

~~((4))~~ (3) The ~~((substantial development))~~ permit system shall apply to ~~((substantial))~~ developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government.

(4) Federal agency actions shall be consistent with the approved Washington state coastal zone management program subject to certain limitations set forth in the federal coastal zone management act, 16 U.S.C. 1451 et seq. and regulations adopted pursuant thereto.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-064 REVISIONS TO SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, AND VARIANCE PERMITS. When an applicant seeks to revise a substantial development, conditional use, or variance permit, local government shall request from the applicant detailed plans and text describing the proposed changes in the permit.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, local government ~~((shall))~~ may approve a revision.

(2) "Within the scope and intent of the original permit" shall ~~((be construed to))~~ mean the following:

(a) No additional over water construction will be involved;

(b) Lot coverage and height may be increased a maximum of ten percent ~~((+10%))~~ from the provisions of the original permit: PROVIDED, That revisions involving new structures not shown on the original site plan shall require a new ~~((substantial development))~~ permit, and: ~~((Further provided))~~ PROVIDED FURTHER, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located.

(c) Landscaping may be added to a project without necessitating an application for a new ~~((substantial development))~~ permit: PROVIDED, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the master program for the area in which the project is located~~((-))~~;

(d) The use authorized pursuant to the original permit is not changed;

~~((e))~~ (e) No additional significant adverse environmental impact will be caused by the project revision.

(3) If the revision or the sum of the revision and any previously approved revisions pursuant to WAC 173-14-064 will violate the terms of one or more of the provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

(4) The revised permit shall become effective immediately. Within eight ~~((8))~~ days of the date of final local government action the revised site plan, text and the approved revision shall be submitted to the appropriate ~~((Department of Ecology))~~ regional office of the department and the attorney general for the completion of their files. In addition, local government shall submit ~~((the revised site plan, text and the approved))~~ a notice of revision approval to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173-14-070.

(5) Appeals shall be in accordance with RCW 90.58-.180 and shall be filed within ~~((15))~~ fifteen days from the date of receipt of the local governments action by the department of ecology regional office. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of ~~((2(a)(b)(c)))~~ WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicants own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision was not within the scope and intent of the original permit, ~~((it))~~ the decision shall have no bearing on the original permit.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-070 NOTICE REQUIRED. Upon receipt of a proper application for a shoreline management substantial development, conditional use, or variance permit, local government shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. In addition, local government shall insure that additional notice of such application is given by at least one of the following methods:

(1) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred ~~((300))~~ feet of the boundary of the property upon which the substantial development is proposed,

(2) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed or,

(3) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

An affidavit that the notice has been properly published, and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. All such notices shall include a statement that within thirty days ~~((30))~~ of the final newspaper publication, any interested person may submit his written views upon the application to the appropriate local

government or notify the local government of his desire to receive a copy of the action taken upon the application. All persons who notify the appropriate local government of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken upon the application. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing.

All notices of applications for shoreline management substantial development, conditional use, or variance permits shall contain, as a minimum, the information called for in the following form:

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT (use appropriate)

Notice is hereby given that _____ (state full name) who is _____ (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below-described property has filed an application for a substantial development, conditional use, or variance permit (use appropriate) for the development of _____ (describe development, including uses) located at _____ (give street address, if known, otherwise give distance and direction to nearest town) within _____ (quarter section) of section _____ of township _____ N., Range _____ W.M., in _____ (city or town) (County) _____ Washington. Said development is proposed to be within _____ (name of water area) and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify _____ (name of local government official) in writing of his interest within thirty ((30)) days of the final date of publication of this notice which is _____ (date).

Written comments must be received by _____ (date).

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-080 PUBLIC HEARINGS. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of substantial development, conditional use, or variance permits in order to allow interested persons to present their views.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-090 FILING WITH DEPARTMENT ((OF ECOLOGY)) AND ATTORNEY GENERAL. Any ruling by local government or an application for a substantial development, conditional use or variance permit, whether it be an approved or denial, shall be filed with the department and attorney general. When a substantial development permit and a

conditional use or variance permit are required for a development, the filing of local government's rulings on the permits shall be made concurrently.

Copies of the original application ((and other pertinent materials used in the final decision pursuant to either chapter 90.58 RCW or chapter 43.21C RCW, the permit and any other written evidence of the final order of local government relative to the application)), affidavit of public notice, site plan, vicinity map, permit, and final order shall be filed with the regional office of the department ((of ecology)) and attorney general within eight days of the local government final decision. Where applicable local government shall also file the following materials required by chapter 43.21C RCW, the state environmental policy act; environmental checklist, threshold determination, and environmental impact statement, or in lieu thereof, a statement summarizing the actions and dates of such actions taken pursuant to chapter 43.21C RCW.

Filing shall not be complete until ((the final order has)) the required documents have actually been received by the regional office of the department within which the project lies, and by the attorney general. This same rule shall apply to conditional uses, variances ((and)), rescissions and revisions of permits ((pursuant to WAC 173-14-120)).

"Date of filing" of a local government final order involving approval or denial of substantial development permit, or involving a denial of a variance or conditional use permit, shall be the date of actual receipt by the regional office of the department. With regard to a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent filing by local government of a substantial development permit, the "date of filing" shall mean the date the department's final decision on the variance or conditional use permit is transmitted to local government and the applicant. The department shall in all circumstances notify in writing the local government and the applicant of the "date of filing".

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-100 ((JUDGMENT)) REVIEW CRITERIA FOR SUBSTANTIAL DEVELOPMENT PERMITS.* (1) Prior to the effective date of an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The guidelines and regulations of the department; and,

(c) So far as can be ascertained, the master program being developed for the area((-and)).

(2) After the adoption or approval, as appropriate, by the department of an applicable master program, a substantial development permit shall be granted only when the development proposed is consistent with ((WAC 173-14-100(1) (with the exception of guidelines referred to in WAC 173-14-100(1)(b) above) the master program adopted or approved for the area));

- (a) The policies and procedures of the act;

- (b) The provisions of this regulation; and,
- (c) The applicable master program adopted or approved for the area.

* The State Environmental Policy Act, chapter 43-21C RCW, has been determined to be applicable to government permit programs. See WAC 461-08-175, Rules of Practice and Procedures of the Shoreline Hearings Board. Also see ~~((Council on))~~ state environmental policy act guidelines.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-110 APPLICATION FOR SUBSTANTIAL DEVELOPMENT ((PERMIT)), CONDITIONAL USE, ((AND/))OR VARIANCE PERMIT. Applications for a substantial development ~~((which may include))~~ ((permit)), ~~((and/))~~ conditional use, ((and/))or variance permit shall contain, as a minimum, the information called for in the following form. Such forms shall be supplied by local government.

APPLICATION FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT

TO THE APPLICANT: This is an application for a substantial development, conditional use, or variance permit ((and is)) as authorized by the shoreline management act of 1971. It is suggested that you check with appropriate local, state, or federal officials to determine whether your project falls within any other permit systems.

1. Name of applicant
2. Mailing address
3. Relation of applicant to property:
 - Owner
 - Purchaser
 - Lessee
 - Other
4. Name and address of owner, if other than applicant
5. General location of proposed project (please list section to the nearest quarter section, township, and range)
6. Name of water area and/or wetlands within which development is proposed
7. Current use of the property with existing improvements

8. Proposed use of property (Please be specific)
9. (To be completed by local official.) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any):
10. (To be completed by local official.) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the ~~((existing))~~ average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view. ((AVERAGE GRADE LEVEL DETERMINATION: The natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed structure shall be used in calculating average grade level. "Natural or existing topography" shall mean the topography of the building site prior to any excavation, grading or filling. Calculation of average grade level shall be made by averaging the elevations at the center of all exterior walls of a building or structure.))
11. (To be completed by local official.) If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought.

PROJECT DIAGRAMS: Draw all site plans and maps to scale, clearly indicating scale on lower right-hand corner and attach them to the application.

- (a) SITE PLAN. Include on plan:
 - (1) Site boundary.
 - (2) Property dimensions in vicinity of project.
 - (3) Ordinary high-water mark.
 - (4) Typical cross section or sections showing:
 - (i) Existing ground elevations.
 - (ii) Proposed ground elevation.
 - (iii) Height of existing structures.
 - (iv) Height of proposed structures.
 - (5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.
 - (6) Show dimensions and locations of existing structures which will be maintained.

(7) Show dimensions and locations of proposed structures.

(8) Identify source, composition, and volume of fill material.

(9) Identify composition and volume of any extracted materials, and identify proposed disposal area.

(10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.

(11) If the development proposes septic tanks, does proposed development comply with local health and state regulations?

(12) Shoreline designation according to master program.

(13) Show which areas are shorelines and which are shorelines of state-wide significance.

(b) VICINITY MAP.

(1) Indicate site location using natural points of reference (roads, state highways, prominent land marks, etc.)

(2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.

(3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site. (i.e., residential to the north, commercial to the south, etc.).

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-115 LETTER OF EXEMPTION. Whenever a development falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S. Corps of Engineers section 10 permit under the ((River)) Rivers and ((Harbor)) Harbors Act of 1899, or a section 404 permit under the Federal Water Pollution Control Act of 1972, the local government shall prepare a letter addressed to the applicant and the appropriate regional office of the department, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

To:
(name and address of the applicant)

The proposal by (name of applicant) to undertake the the following development (please be specific)

.....
upon the following property (please list legal description, i.e., section to the nearest quarter section)

.....
.....
within (name of water area) and/or its associated wetlands is exempt from the requirement of a substantial development permit because the development

.....
(Identify exemptions as outlined in WAC 173-14-040)
.....
(Corps Public Notice Number ((if Available)))

The proposed development is consistent or inconsistent with:

CHECK ONE

CONSISTENT

INCONSISTENT

Policies of the Shoreline Management Act.

The guidelines of the Department of Ecology where no master program has been finally approved or adopted by the department.

The master program.

.....
(Date)

.....
(Signature of Authorized Local Governmental Official)

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-120 PERMITS FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE. Each permit for a substantial development, ((which may include a)) conditional use ((and/or)) or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until thirty ((30)) days from the date ((that the department of ecology regional office receives the permit)) of filing as defined in RCW 90.58.140(6) and WAC 173-14-090; or until all review proceedings initiated within thirty ((30)) days from the date of ((receipt by the department)) such filing have been terminated; except as provided in RCW 90.58.140(5)(a)(b)(c). ((The department shall notify in writing the local government and the applicant of the date of filing. Such permit))

Permits for substantial development, conditional use, or variance shall be in substantially the following form. Such forms will be supplied by local government.

SHORELINE MANAGEMENT ACT OF 1971 PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE

NOTE - THIS PAGE FOR LOCAL GOVERNMENT USE ONLY

(Consecutive but beginning with No. 1)

Application No.

Administering Agency (city or county)

Date received

Approved Denied

Date

Type of Action(s) ((Check if appropriate))

- Substantial Development Permit
Conditional Use Permit
Variance Permit

Pursuant to chapter 90.58 RCW, a permit is hereby granted/denied to:

(name of applicant)

(address)

to undertake the following development: (Please be specific)

upon the following property (please list the legal description, i.e., section to the nearest quarter section, township, range):

Within (name of water area) and/or its associated wetlands.

The project will (be/not be) within shorelines of state-wide significance (RCW 90.58.030). The project will be located within a (environment) designation. The following master program provisions are applicable to this development ((please)) state the master program section or page number: If a conditional use or variance, also identify the portion of the master program which provides that the proposed use may be a conditional use, or that portion of the master program being varied.

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW ((90.58.140(7))) 90.58.140(8) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY ((30)) DAYS FROM THE DATE OF FILING ((THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY)) AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

(Date)

(Signature of Authorized Local Government Official)

THIS SECTION FOR DEPARTMENT ((OF ECOLOGY)) USE ONLY IN REGARD TO A ((SUBSTANTIAL DEVELOPMENT PERMIT WITH A)) CONDITIONAL USE OR VARIANCE PERMIT.

Date received by ((Department of Ecology)) the department

Approved Denied

This ((substantial development permit with)) conditional use/variance permit is ((approved)) approved/denied by the department ((of ecology)) pursuant to chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

(Date)

(Signature of Authorized Department ((of Ecology)) Official)

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-130 ((SUBSTANTIAL DEVELOPMENT PERMITS WITH)) DEPARTMENT REVIEW OF CONDITIONAL USE((S)) AND VARIANCE((S)) PERMITS. After ((taking action on)) local government approval of a conditional use or variance permit, local government shall submit ((its action)) the permit to the appropriate regional office of the

department for ~~((its))~~ the departments approval, approval with conditions (with concurrence of local government), or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-14-090. Local government shall notify those interested persons having requested notification from local government pursuant to WAC 173-14-070 of the departments final decision.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-140 ((DEFINITIONS AND OBJECTIVES OF CONDITIONAL USE. Conditional uses are specifically described within the master program. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control the undesirable effects, the range of uses within each of the designated environments can be expanded to include additional uses.)) REVIEW CRITERIA FOR CONDITIONAL USE PERMITS. The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program.

(b) That the proposed use will not interfere with the normal public use of public shorelines.

(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other

developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-150 ((VARIANCES. A variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the master program. A variance will be granted only after the applicant can demonstrate in addition to satisfying the procedures set forth in WAC 173-14-130 the following:

(1) That if he complies with the provisions of the master program, he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a variance.

(2) That the hardship results from the application of the requirements of the act and master programs, and not, for example, from deed restrictions or the applicant's own actions.

(3) That the variance granted will be in harmony with the general purpose and intent of the master program.

(4) That the public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.)) REVIEW CRITERIA FOR VARIANCE PERMITS. The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances should be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable permitted use of the property.

(b) That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of

the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the department pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable permitted use of the property.

(b) That the hardship described in WAC 173-14-150(3)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

(f) That the public interest will suffer no substantial detrimental effect.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-170 REQUESTS FOR REVIEW. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-14 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

NEW SECTION

WAC 173-14-174 CERTIFICATION OF REQUESTS FOR REVIEW. All requests for review filed with the department pursuant to RCW 90.58.180(1) must contain the items required by WAC 461-08-055. Such requests shall be filed with the department within thirty days of the date of filing as defined in RCW 90.58.140(6) and WAC 173-14-090. The department will certify the request for review to the shorelines hearings board within thirty days of receipt of same if it appears the request has set forth valid reasons to seek review. Failure of the department to provide such certification does not preclude the requestor from obtaining certification from the attorney general or from obtaining a review in the superior court under any right to review otherwise available.

AMENDATORY SECTION (Amending Order DE 76-17, filed 7/27/76)

WAC 173-14-180 ((ENFORCEMENT)) REGULATORY ORDERS BY LOCAL GOVERNMENT OR THE DEPARTMENT ((OF ECOLOGY)). (1) Local government and the department ((of ecology)) shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of ((substantial development)) a project being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development, conditional use, or variance permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of ((RCW 90.58.020)) chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval ((of)) by the department ((of ecology)) of a master program for the area, the guidelines ((chapter 173-14 WAC;)) and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

(b) An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time; and

(c) The right of the person to whom the order is directed to a hearing before the shorelines hearings board.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed and shall become final unless review is requested pursuant to WAC 173-14-190.

AMENDATORY SECTION (Amending Order DE 75-22, filed 10/16/75)

WAC 173-14-190 HEARINGS ON REGULATORY ORDERS. (1) The person to whom the regulatory order is directed may request review to the shorelines hearings board within thirty days after being served. The requirements of RCW 90.58.180(1) and chapter 461-08 WAC shall apply to all said requests for review((;)): PROVIDED, HOWEVER, That there shall be no requirement for such requests to be filed with and certified by the department ((of ecology)) and the attorney general.

(2) All hearings held pursuant to this provision and judicial review thereof shall be in accordance with the rules establishing the shorelines hearings board contained in chapter 90.58 RCW and to chapter 461-08 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-14-160 DEPARTMENT OF ECOLOGY REVIEW.

WSR 78-07-012
ADOPTED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Order 78-5—Filed June 15, 1978]

Be it resolved by the Public Employment Relations Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to filing and service of cross-objections and filing and service of cross-petitions for review, chapter 391-50 WAC.

This action is taken pursuant to Notice No. WSR 78-05-100 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28B.52.080 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 41.58.050 which directs that the Public Employment Relations Commission has authority to implement the provisions of chapter 28B.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 June 9, 1978.

By Marvin L. Schurke
Executive Director

NEW SECTION

WAC 391-50-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been

timely filed under WAC 391-50-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed and served in the same manner as objections filed under WAC 391-50-136.

NEW SECTION

WAC 391-50-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-50-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

WSR 78-07-013
ADOPTED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Order 78-4—Filed June 15, 1978]

Be it resolved by the Public Employment Relations Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to filing and service of cross-objections and filing and service of cross-petitions for review, chapter 391-30 WAC.

This action is taken pursuant to Notice No. WSR 78-05-102 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.59.110 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 41.58.050 which directs that the Public Employment Relations Commission has authority to implement the provisions of chapter 41.59 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 June 9, 1978.

By Marvin L. Schurke
Executive Director

NEW SECTION

WAC 391-30-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been timely filed under WAC 391-30-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed

and served in the same manner as objections filed under WAC 391-30-136.

NEW SECTION

WAC 391-30-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-30-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

NEW SECTION

WAC 391-30-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-30-534, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall each be extended by seven days.

NEW SECTION

WAC 391-21-137 FILING AND SERVICE OF CROSS-OBJECTIONS. Where objections have been timely filed under WAC 391-21-136, any party who has not previously filed objections may, within five days following the last date on which objections may be filed, file cross-objections. Such cross-objections shall be filed and served in the same manner as objections filed under WAC 391-21-136.

NEW SECTION

WAC 391-21-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-21-320, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

NEW SECTION

WAC 391-21-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-21-534, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall each be extended by seven days.

WSR 78-07-014

ADOPTED RULES

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Order 78-3—Filed June 15, 1978]

Be it resolved by the Public Employment Relations Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to filing and service of cross-objections and filing and service of cross-petitions for review, chapter 391-21 WAC.

This action is taken pursuant to Notice No. WSR 78-05-101 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.56.090 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 41.58.500 [41.58.050] which directs that the Public Employment Relations Commission has authority to implement the provisions of chapter 41.56 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 June 9, 1978.

By Marvin L. Schurke
Executive Director

WSR 78-07-015

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1305—Filed June 15, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Am'd ch. 388-11 WAC relating to child support—Obligations.
- Am'd ch. 388-14 WAC relating to support enforcement.

This action is taken pursuant to Notice No. WSR 78-04-101 filed with the code reviser on 4/5/78. 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 May 17, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-015 ((LEGAL BASIS—DEBT ON PUBLIC ASSISTANCE CASES)) CREDITS ALLOWABLE IN SATISFACTION OF DEBT. ((In

the absence of a superior court order for support, RCW 74.20.292, RCW 74.20A.030, RCW 74.20A.250 and RCW 74.20A.055, and this chapter establish a debtor/creditor relationship between the department of social and health services and the responsible parent of a child or children when the department has provided public assistance monies for necessary food, clothing, shelter, medical attendance for said child(ren) and for the child(ren)'s caretaker/custodian. This debt obligation is created by statute in favor of the department.))

After a notice and finding of financial responsibility has been served on the responsible parent, satisfaction in whole or in part of this debt may be obtained only by cash, check, or money order payments through the office of support enforcement. After service of said notice, any direct providing of cash, check, money order or in-kind, noncash, nonnegotiable items or services, including payments to vendors or other third parties of items included in the public assistance standards, are conclusively presumed to be gifts and may not be credited against the debt. Family necessities provided direct to the caretaker/custodian, or children, or provided through vendors or third parties, may be credited against the debt only if they are provided prior to service of the notice and finding of financial responsibility on the responsible parent pursuant to WAC 388-11-040. To obtain such credit the responsible parent has the burden of proving, by a preponderance of the evidence, that such items provided were, at that time, intended to satisfy, in whole or in part, the common law or statutory obligation of said responsible parent; Provided, no credit may be given for items not provided for or included in the basic public assistance standards((-:)); PROVIDED, FURTHER, That shelter payments made may not be credited against any debt for any period determined under these rules in an amount greater than the shelter allocation in the public assistance standards for the same period or one-half of the actual shelter payment made, whichever is the lesser. Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect as of the time of the payment. After assignment has been made pursuant to WAC 388-24-108, any support payments made subsequent to assignment shall be treated pursuant to WAC 388-14-210.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-030 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The notice and

finding of financial responsibility shall set forth the original determination of the office of support enforcement, of the amount the responsible parent owes as an accrued debt (~~((because public assistance has been paid in the past;))~~) and a statement of the demand for payment thereon and/or the original determination of the office of support enforcement of the amount the responsible parent should pay in the future as periodic future support (~~((payment up to a ceiling of the amount of public assistance that has been paid or is being paid, unless action is also being taken pursuant to RCW 74.20.040)).~~)

(2) The notice and finding of financial responsibility shall also include:

(a) A statement of the name of the recipient or custodian;

(b) The name of the child or children (~~((for whom assistance has been or is being paid or))~~) on whose behalf need is alleged;

(c) A statement that, if the responsible parent objects to all or any part of the notice and finding of financial responsibility (~~((that)),~~) (s)he shall have a right, for not more than twenty days from date of service, for a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future, determined, and the amount to be paid thereon;

(d) A statement that said objection shall be communicated, in writing, and shall be served on the district field office of the office of support enforcement issuing the notice and finding of financial responsibility;

(e) A statement that, if the responsible parent fails to object in writing (~~((that)),~~) the support debt and/or payments stated in the notice and finding of financial responsibility shall be assessed and determined in accordance with the original determination of the department as set forth in the notice and finding of financial responsibility;

(f) A statement that the support debt, as assessed and determined, is subject to collection action and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-050 FAILURE TO MAKE REQUEST FOR HEARING. If the responsible parent fails to object to the original determinations of the office of support enforcement, such determinations as stated in the notice and finding of financial responsibility shall become final subject to the provisions of WAC 388-11-055. The debt, as stated, together with the amount to be paid thereon each month, if stated, and/or the future periodic support payments to prospectively satisfy liability under RCW 74.20A.030 or ~~((RCW))~~ 26.16.205, and/or ~~((RCW))~~ 74.20A.250 shall be subject to collection action. Prospective modification pursuant to WAC 388-11-140 may be ordered as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material

change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.

NEW SECTION

WAC 388-11-055 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) The responsible parent may, at any time within one year from the date of service of the notice and finding of financial responsibility, petition the secretary or his designee for a hearing, as provided for but not previously granted pursuant to WAC 388-11-060, 388-11-065, and 388-11-100, upon a showing of any of the grounds enumerated in RCW 4.72.010 and CR 60. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the manner of a summons in a civil action on the district office of the office of support enforcement. The filing of such petition shall not stay any collection action being taken under chapter 74.20A RCW. The petition shall state:

(a) The grounds relied on as enumerated in RCW 4.72.010 and CR 60;

(b) The defenses to be raised to liability;

(c) A statement of the name of the employer of the responsible parent and his spouse, if any, and a statement of the income, property and resources of the responsible parent or his marital community, as defined in WAC 388-11-190.

(2) Upon the assignment of the matter to a hearing examiner, the responsible parent may petition the hearing examiner for an order staying collection action pending the final decision of the department or the courts on any appeal made pursuant to chapter 34.04 RCW. The office of support enforcement shall be given notice of not less than five working days of the petition for stay of collection action.

The hearing examiner may, upon being satisfied of proper notice as provided above, issue a stay of future collection action conditioned upon payment to the office of support enforcement of temporary, current and future support in an amount prescribed by WAC 388-11-190 when current and future support has been requested in the notice and finding of financial responsibility. The hearing examiner shall, on request of the office of support enforcement, also condition the stay on execution by the responsible parent and spouse, if any, of an assignment of earnings. The stay shall not require release of liens already filed and shall also provide for the filing of additional liens pursuant to RCW 74.20A.060 to prevent transfer of any real or personal property subject to said liens during the pendency of this hearing. If conditions of the stay are not met, the office of support enforcement may immediately resume collection action pursuant to chapter 74.20A RCW with notice to the responsible parent and the hearing examiner or secretary or his designee as appropriate. Undisbursed moneys withheld by collection action taken prior to the date of issuance of the stay or by collection action taken pursuant to the terms of the stay shall be held in trust by the office of support enforcement, pending final order of the

department or any appeal to the courts made pursuant to chapter 34.04 RCW, to be distributed in accordance with said final order. Temporary current and future support shall be disbursed to the custodial parent or as otherwise appropriate when received by the office of support enforcement.

The conditions under which a stay has been granted as stated above shall continue in effect as jurisdictional requirements during the pendency of the hearing and during the pendency of any appeal made to the courts pursuant to chapter 34.04 RCW unless the court in its discretion makes other provision as to these matters.

In the absence of a petition for a stay by the responsible parent, the office of support enforcement may also petition the hearing examiner to set temporary, current and future support which shall be governed by the same rules which apply to the petition for a stay by the responsible parent.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-060 REQUEST FOR HEARING. Any responsible parent who objects to all or any part of the notice and finding of financial responsibility shall have the right, for not more than twenty days from the date of service of said notice and finding of financial responsibility, to request, in writing, a hearing which request shall be served upon the office of support enforcement by registered or certified mail or personally. A request for hearing, pursuant to this section, shall not be construed to be or considered as a general denial of requests for admission pursuant to WAC 388-11-080. The execution of the notice and finding of financial responsibility shall be stayed pending the decision on such hearing or any direct appeal to the courts from that decision. If an objection is received, the department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his representative by registered or certified mail (~~or personal service~~). It shall be the appellant's responsibility to notify the department of his mailing address at the time of service of the objection and also of any change of address after his objection is submitted and he shall bear the consequences of failing to receive subsequent certified or registered mailings in this proceeding. It shall be the responsibility of the department to notify the appellant of this obligation: PROVIDED, That said hearing shall be scheduled within thirty days of the date of receipt of the objection. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing (~~scheduled to hear the request for hearing made~~) held

pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial responsibility and/or the amount prayed for therein is inaccurate and why the hearing examiner should not enter ~~((a final))~~ an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing the responsible parent shall state affirmatively and shall have the burden of proving:

- (1) Estoppel;
- (2) Payment;
- (3) Release;
- (4) Superior court order;
- (5) ~~((Waiver;~~

~~((6)))~~ Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children~~((:))~~: PROVIDED, That lack of eligibility shall not operate as a defense to a responsible parent's current and future support obligation when an assignment of support rights has been executed by a nonassistance custodian pursuant to RCW 74.20.040 or an assignment of support rights has been executed by a public assistance recipient pursuant to 42 USC 602 (a) (26) (A): PROVIDED, FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

~~((7)))~~ (6) Lack of natural or adoptive parentage; (Provided, however, if the responsible parent alleges (s)he is not the natural or adoptive parent of the minor child or children listed in the notice and finding of financial responsibility and said child or children were not born during the term of marriage of the responsible parent to the natural mother or father of said minor child or children or born within nine months after dissolution of marriage, the office of support enforcement shall have the burden of proving by a preponderance of the evidence that the responsible parent is the natural or adoptive parent of said minor child or children;

~~((8)))~~ (7) Inability to pay the amount determined and/or inaccuracy of amount or value of net earnings or resources upon which the original determination is based;

~~((9)))~~ (8) Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the standard of assistance adopted by the department as directed by the legislature in RCW 74.08.040 shall constitute a rebuttable presumption of the minimum support need of the child or children and if said presumption is rebutted the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance, and

~~((10)))~~ (9) Any other matter constituting an avoidance or affirmative defense to the notice and finding of financial responsibility.

The hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that information or those documents which the office of support enforcement has in its possession.

AMENDATORY SECTION (Amending Order 875, filed 11/16/73)

WAC 388-11-090 HEARING EXAMINER. The hearing shall be conducted by a duly qualified hearing examiner appointed by the secretary for such purpose who was not previously involved in any way with the action in question. No hearing examiner or hearing examiner acting as designee of the secretary for the purpose of review of decisions pursuant to WAC 388-11-100 and 388-14-375 shall hear or review a contested case provided for by ~~((chapter 183, section 25, Laws of 1973, 1st ex. sess.))~~ RCW 74.20A.055, when it has been requested by any party or representative that a different hearing examiner be assigned to hear or review said matter: PROVIDED, That no party or representative shall be permitted to make more than one such request in the same case without the allegation and proof that actual cause exists for the removal of the hearing examiner first assigned to hear said case. The party or representative requesting the change of hearing examiner shall make said request in writing ~~((and said request shall be filed and called to the attention of the hearing examiner not less than twenty-four hours in advance of the hearing)).~~

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-100 DUTY OF HEARING EXAMINER. Based on the notice and finding of financial responsibility and objections made thereto, the hearing examiner shall determine the liability and responsibility, if any, of the responsible parent under RCW 74.20A.030 and ~~((RCW))~~ 74.20.292. The hearing examiner shall also determine the amount of periodic payments to be made to satisfy past, present, or future liability under RCW 74.20.292, ~~((RCW))~~ 74.20A.030 and/or ~~((RCW))~~ 26.16.205 and/or ~~((RCW))~~ 74.20A.250. ~~((In making these determinations, a hearing examiner shall include in his considerations:))~~

Periodic payments to satisfy a past liability shall provide for full repayment prior to expiration of any statute of limitations which may bar collection of the debt. In all cases in which the applicant-custodian has made assignment pursuant to RCW 74.20.040 for nonassistance support enforcement services, the hearing examiner shall determine the future and current support obligation not limited to the amount of any public assistance standards or grant but based upon full need pursuant to RCW 26.16.205. In all cases in which the applicant-recipient has made assignment pursuant to 42 USC 602 (a) (26) (A) the hearing examiner shall determine the future and current support obligation of the responsible parent not limited to the amount of any public assistance standards

or grant but based upon full need pursuant to RCW 26.16.205. Whenever there has been no assignment made pursuant to 42 USC 602 (a) (26) (A) or RCW 74.20.040, the hearing examiner shall determine the liability and the responsibility, if any, of the responsible parent as to past, future and current support obligation based upon RCW 74.20A.030. The hearing examiner shall include in his consideration:

(1) The necessities and requirements of the child or children exclusive of any income of the custodian of said child or children;

(2) The amount of support debt claimed;

(3) The public policy and intent of the legislature to require that children be maintained from the resources of the responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs;

(4) The abilities and resources of the responsible parent; ~~((and))~~

(5) The standards in WAC 388-11-190 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. The hearing examiner is empowered, upon proper showing of unusual circumstances, to set an amount of support, as to the past, present, or future, at variance from the amount stated or computed in reference to the scale in WAC 388-11-190; and

(6) Other natural, adoptive and/or stepchildren being supported by the responsible parent as provided for in WAC 388-11-190. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact and shall state the grounds for deviation from the standards in WAC 388-11-190. The hearing examiner shall make his decision and enter his findings of fact based on the notice and finding of financial responsibility and the evidence admitted at the hearing.

The office of support enforcement may verbally amend the notice and finding of financial responsibility, at the time of hearing, to conform to the evidence in which case the hearing examiner is empowered, when deemed necessary, through continuance, to allow the responsible parent additional time to present rebutting evidence and/or argument as to the amendment.

After evidence has been presented at a hearing conducted by a hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon.

The hearing examiner shall file the original of the initial decision and order signed by him with the secretary or his designee, and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the appellant by certified mail to the last known address of the party. Within thirty days of receipt of the initial decision, either the appellant or the office of support enforcement may petition the secretary or his designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;

(f) Error in mathematical computation;

(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support;

(k) Clerical mistakes in the decision arising from oversight or omission; and/or

(l) That the decision and order entered, because the responsible parent failed to appear at the hearing, should be vacated and the matter be remanded upon showing of the grounds enumerated in RCW 4.72.010 or CR60.

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department.

After the receipt of a petition for review, the secretary or his designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his discretion allow. The secretary or his designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or his designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or his designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner.

A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-120 DEFAULT. If the responsible parent fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter a decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. ~~((Within fifteen days of entry of said decision and order the responsible parent may petition the secretary or his designee, the office of hearings, post office box 2465, Olympia, Washington 98507, or 1117 Jefferson, Olympia, Washington, to vacate said decision and order upon the showing of any of the grounds enumerated in RCW 4.72.010.))~~ Prospective modification pursuant to WAC 388-11-140 may also be ordered when appropriate as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.

AMENDATORY SECTION (Amending Order 875, filed 11/16/73)

WAC 388-11-130 DECISION AND ORDER AFTER HEARING. The hearing examiner shall, within twenty days of the hearing, enter findings, conclusions, and ~~((a final))~~ an initial decision determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner entered pursuant to this section if not reviewed, or the final decision if there is a review shall be entered as a decision and order and shall limit the support debt under RCW 74.20A.030, ((RCW)) 74.20.292 and/or ((RCW)) 26.16.205 and/or ((RCW)) 74.20A.250 to the amount stated in said decision. Said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision.

NEW SECTION

WAC 388-11-135 SERVICE. Service of the decision and order pursuant to WAC 388-11-120 or 388-11-130 shall be by mailing a copy of the decision and order to the last known address of the appellant by certified mail, and by mailing a copy of said decision and order to the last known address of appellant's attorney or other representative at the hearing, if any.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-140 MODIFICATION. Either the responsible parent or the office of support enforcement may petition the secretary or his designee, the office of hearings, ~~((post office box 2465, Olympia, Washington 98507, or 1117 Jefferson, Olympia, Washington;))~~ for issuance of an order to appear and show cause based upon a showing of good cause and material change in circumstances to require the other party to appear and show cause why the decision previously entered ordering periodic future support payments, or final determination for periodic future support payments pursuant to WAC 388-11-050, should not be prospectively modified: PROVIDED, HOWEVER, That either party need not show a material change in circumstances where the final determination for periodic future support payments was based on fraud or a misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support. Said order to appear and show cause together with a copy of the affidavit upon which the order is based shall be served in the manner of a summons in a civil action on the other party by the petitioning party. A hearing, which shall be a contested case, shall be set not less than fifteen days nor more than thirty days from the date of service unless extended for good cause shown. Prospective modification may be ordered, but only upon showing of good cause and material change in circumstances except as provided in WAC 388-11-050 and 388-11-120. An order to appear and show cause under this modification provision may not issue unless the previous order for periodic future support payments to which modification is requested was entered pursuant to RCW 74.20A.055 and there is the absence of a superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. If the party ordered to appear and show cause why a decision previously entered should not be prospectively modified fails to appear at the hearing, the hearing examiner shall grant relief as a default order based on the prayer for relief in the motion and affidavit. Within fifteen days of entry of said default order the defaulting party may petition the secretary or his designee, the office of hearings, ~~((post office box 2465, Olympia, Washington 98507, or 1117 Jefferson, Olympia, Washington;))~~ to vacate said default order upon showing of any of the grounds enumerated in RCW 4.72.010. If the party who petitions for an order to show cause why a decision previously entered should not be prospectively modified fails to appear at the hearing, the hearing examiner shall enter an order dismissing the petition for modification. The hearing examiner may set the effective date of prospective modification as either the date of entry of the order or the date of receipt of the petition or any time in between, but if no effective date is set, the effective date shall be the date of entry of the order. Any decision and order under this section shall be an initial decision by

the hearing examiner subject to a petition for review by the secretary or his designee pursuant to the procedure in WAC 388-11-100.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-170 COLLECTION OF DEBTS DETERMINED. Whenever an order designating the amount of periodic payments to be made to satisfy a past liability or periodic future support obligation has not been complied with, the accrued debt, not paid, and any current delinquency, shall become due in full and ((said)) the portion of the order designating periodic payments to satisfy past, accrued liability shall be deemed to be vacated without the necessity of further action by the hearing examiner. After such vacation, collection action pursuant to chapter 74.20A RCW by the office of support enforcement as authorized representative of the secretary as to debts determined, accrued, and unpaid may not be stayed by the hearing examiner and is subject only to review by the superior court pursuant to RCW 74.20A.200.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-11-180 PROCEDURAL REFERENCE. The following WAC provisions are herewith included in this section and made applicable to hearings held pursuant to RCW 74.20A.055:

WAC

388-08-055	388-08-235
388-08-083	388-08-375
388-08-150	388-08-390
388-08-160	388-08-400
388-08-170	388-08-480
388-08-180	388-08-490
388-08-190	388-08-500
388-08-200	388-08-520
388-08-210	388-08-600
388-08-220	

In determining the validity of defenses to liability asserted pursuant to RCW 74.20A.030 and/or ((RCW)) 74.20.292 other provisions of the Washington Administrative Code shall be applied to determine emancipation and determine defenses asserted pursuant to WAC ((388-11-065(g))) 388-11-065(5).

AMENDATORY SECTION (Amending Order 1119, filed 5/13/76)

WAC 388-11-190 SCALE OF MINIMUM CONTRIBUTIONS. The rates shown in this section are established pursuant to RCW 74.20.270. They define levels of minimum contributions based on "net income" for use in determining the amount that a parent will be required to contribute to or for the benefit of his child(ren).

((ⁿ"Net income" is defined for purposes of this scale as that part of the income of any responsible parent remaining after the deduction from that income of any amount required by law to be withheld.))

The rates are twenty-four percent of net income for one child, thirty-five percent of net income for two children, forty-two percent of net income for three children and forty-eight percent of net income for four or more children. Minimum contribution shall be calculated by the following steps:

(1) Add the number of children named in the notice and finding of financial responsibility to the natural, adopted, and/or stepchildren living with the responsible parent and select the applicable rate for that number of children;

(2) Multiply the total net income of the responsible parent by the rate selected in subsection (1) above;

(3) Divide the result by the total number of children determined pursuant to subsection (1) above to obtain the proportionate share that should be paid for one child;

(4) Multiply this by the number of children named in the notice and finding of financial responsibility to obtain the minimum contribution the responsible parent should make for support of his children.

"Income" includes all payment of ((moneys)) moneys to the responsible parent, including, if married, all payment of moneys to the marital community of a responsible parent from any sources whatsoever ((which may be disposed of by the responsible parent under the law)).

"Net income" is defined for purposes of this scale as all income of the responsible parent, including, if married, all income available to the marital community of which the responsible parent is a member remaining after the deduction from that income of any amount required by law to be withheld. Moneys paid for support of natural or stepchildren living with and being supported by the responsible parent or the marital community of which he is a member including but not limited to child support, SSI, OASI, shall be added to the net income of the responsible parent without deduction of any amounts prior to determination of the proportionate share for each child in subsection (2) of this section. Other available resources, real and personal property available and/or saleable and income therefrom including the ((responsible parent's)) ability to borrow ((may)) and the earnings potential of the responsible parent shall be considered in determining minimum contributions. Contributions ((should not)) shall not, except as provided for in WAC 388-11-100(5) be lessened by consideration of debts of the responsible parent. Public policy found in both state and federal laws requires preference for support of minor dependent children from the funds of the responsible parent. ((Where monthly net income is less than \$300, the responsible parent shall have a minimum support obligation equal to that required at \$300 per month net income:))

((SCALE OF MINIMUM CONTRIBUTIONS FOR THE PARENT'S BENEFIT OF MINOR DEPENDENT MONTHLY CHILDREN - RATE BY NUMBER OF NET INCOME CHILDREN AS STATED IN TO NEAREST NOTICE AND FINDING OF \$25.00 FINANCIAL RESPONSIBILITY

	1	2	3	4	5 or more))
(\$ 300 and below	\$ 60.00	\$105	\$ 135.00	\$150	\$ 150.00
325	62.50	110	142.50	160	162.50
350	65.00	115	150.00	170	175.00
375	67.50	120	157.50	180	187.50
400	70.00	125	165.00	190	200.00
425	72.50	130	172.50	200	212.50
450	75.00	135	180.00	210	225.00
475	77.50	140	187.50	220	237.50
500	80.00	145	195.00	230	250.00
525	82.50	150	202.50	240	262.50
550	85.00	155	210.00	250	275.00
575	87.50	160	217.50	260	287.50
600	90.00	165	225.00	270	300.00
625	92.50	170	232.50	280	312.50
650	95.00	175	240.00	290	325.00
675	97.50	180	247.50	300	337.50
700	100.00	185	255.00	310	350.00
725	102.50	190	262.50	320	362.50
750	105.00	195	270.00	330	375.00
775	107.50	200	277.50	340	387.50
800	110.00	205	285.00	350	400.00
825	112.50	210	292.50	360	412.50
850	115.00	215	300.00	370	425.00
875	117.50	220	307.50	380	437.50
900	120.00	225	315.00	390	450.00
925	122.50	230	322.50	400	462.50
950	125.00	235	330.00	410	475.00
975	127.50	240	337.50	420	487.50
1,000	130.00	245	345.00	430	500.00
1,025	132.50	250	352.50	440	512.50
1,050	135.00	255	360.00	450	525.00
1,075	137.50	260	367.50	460	537.50
1,100	140.00	265	375.00	470	550.00
1,125	142.50	270	382.50	480	562.50
1,150	145.00	275	390.00	490	575.00
1,175	147.50	280	397.50	500	587.50
1,200	150.00	285	405.00	510	600.00
1,225	152.50	290	412.50	520	612.50
1,250	155.00	295	420.00	530	625.00
1,275	157.50	300	427.50	540	637.50
1,300	160.00	305	435.00	550	650.00
1,325	162.50	310	442.50	560	662.50
1,350	165.00	315	450.00	570	675.00
1,375	167.50	320	457.50	580	687.50
1,400	170.00	325	465.00	590	700.00
1,425	172.50	330	472.50	600	712.50
1,450	175.00	335	480.00	610	725.00
1,475	177.50	340	487.50	620	737.50
1,500	180.00	345	495.00	630	750.00
1,525	182.50	350	502.50	640	762.50
1,550	185.00	355	510.00	650	775.00
1,575	187.50	360	517.50	660	787.50
1,600	190.00	375	528.00	670	800.00
1,625	192.50	380	532.50	680	812.50
1,650	195.00	385	540.00	690	825.00
1,675	197.50	390	547.50	700	837.50
1,700	200.00	395	555.00	710	850.00
1,725	202.50	400	562.50	720	862.50
1,750	205.00	405	570.00	730	875.00
1,775	207.50	410	577.50	740	887.50
1,800	210.00	415	585.00	750	900.00
1,825	212.50	420	592.50	760	912.50
1,850	215.00	425	600.00	770	925.00
1,875	217.50	430	607.50	780	937.50
1,900	220.00	435	615.00	790	950.00
1,925	222.50	440	622.50	800	962.50

((SCALE OF MINIMUM CONTRIBUTIONS FOR THE PARENT'S BENEFIT OF MINOR DEPENDENT MONTHLY CHILDREN - RATE BY NUMBER OF NET INCOME CHILDREN AS STATED IN TO NEAREST NOTICE AND FINDING OF \$25.00 FINANCIAL RESPONSIBILITY

	1	2	3	4	5 or more))
1,950	225.00	445	630.00	810	975.00
1,975	227.50	450	637.50	820	987.50
2,000	230.00	455	650.00	830	1,000.00))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-11-160 PROCEDURE FOR RECONSIDERATION OF DECISION, CLARIFICATION OF DECISION OR FOR REHEARING.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-220 SUBPOENA POWER. ((The recipient has a duty pursuant to RCW 74.04.290, "Subpoena of witnesses, books, records, etc.", to provide necessary information concerning the absent parent or parents of the child or children on whose behalf the recipient receives public assistance to enable and assist the department to establish paternity if necessary and/or to collect a child support debt from the absent parent or parents including putative fathers. Such information shall include, but is not limited to, the absent parent's name including putative fathers, address, telephone number, social security number, employment history, physical description and other data such as date and place of marriage, separation, divorce, dissolution and such other information as is deemed necessary and reasonable to enable the department to execute its child support collection and/or paternity determination responsibility.)) The chief, regional supervisors, district supervisors, claims officers and support enforcement officers III of the office of support enforcement are duly appointed officers empowered to issue subpoena of witnesses, books, records, etc., pursuant to RCW 74.04.290 and chapters 388-11 and 388-14 WAC as to matters they deem relevant to the performance of their duties.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-370 COOPERATIVE ARRANGEMENTS WITH COURTS AND LAW ENFORCEMENT OFFICIALS. (1) The office of support enforcement is herewith authorized to enter into cooperative arrangements and written agreements including financial arrangements with appropriate courts and law enforcement officials to assist the office of support enforcement in administering the state plan for support enforcement in order to assure optimum results under such program. These cooperative arrangements and written agreements also include entering into financial arrangements or agreements with such agencies and officials to provide for the investigation and prosecution of

fraud directly related to paternity, child support, and other matters of common concern. The office of support enforcement is herewith authorized to enter into cooperative arrangements and written agreements with courts for the purpose of appointing attorneys to represent dependent children to establish support obligations and take other related collection and enforcement action pursuant to chapter 26.09 RCW.

(2) The office of support enforcement shall receive and distribute funds made available as payments to states to administer this plan (42 USC 655). The office of support enforcement shall also administer and distribute incentive payments to localities (42 USC 658). No payments may be made to any political subdivision, court or law enforcement official of the state of Washington under these provisions except in compliance with the requirements of agreements made between the office of support enforcement and the political subdivision, court or law enforcement official pursuant to this section. No incentive payments to localities may be made except for enforcement and collection of support rights assigned pursuant to WAC 388-24-108.

(3) In order to qualify for payments to states or incentive payments to localities, a political subdivision, court or law enforcement official of the state of Washington must obtain referral of the case or cases involved from the office of support enforcement and all support payments made subsequent to referral shall be paid to the office of support enforcement. In the case of actions under the Uniform Reciprocal Enforcement of Support Act initiated in another state, a political subdivision or law enforcement official of the state of Washington may obtain referral status by submitting documents as determined by agreement, to the office of support enforcement for acceptance under this plan.

(4) When a political subdivision of the state of Washington acting in compliance with the terms of an agreement entered into with the office of support enforcement or when a IV-D agency of another state under an approved Title IV-D plan or a political subdivision of another state pursuant to the approved Title IV-D plan makes the enforcement and collection of the support rights assigned under (~~WAC 388-24-108~~) 42 USC 602(a)(26)(A), the office of support enforcement is authorized to pay to such political subdivision or other IV-D agency the following amounts from the amounts which would otherwise represent the share of the moneys to be reimbursed to the federal government.

(a) An amount equal to ~~((25))~~ 15 percent of any amount collected and retained by the state of Washington to reduce or repay assistance payments which represent payment on the required support obligation (~~owed for the first twelve months even if these months are not consecutive;~~

~~(b) An amount equal to ten percent of any amount collected and retained by the state of Washington to reduce or repay assistance payments which represent payment on the required support obligation owed for any month after the first twelve months for which collections are made;~~

~~(c) When a family receiving aid under a Title IV-A plan ceases receiving aid and begins receiving such aid again at a later date, a new twelve month period for payment of the 25 percent incentive shall commence;~~

~~(d) The 25 percent incentive described in subdivision (4)(a) shall be paid for any month in which amounts are collected, pursuant to an assignment under WAC 388-24-108, which represents payments on the required monthly support obligation owed for 12 months and shall continue to be paid for such amounts until the amounts that are collected equal the amount owed on the required support obligation for 12 months, even if the months during which such collections are made are not consecutive.);~~

~~((e))~~ (b) When more than one agency or jurisdiction within the state of Washington or more than one state is involved in enforcement or collection the amount of incentive stated above shall be allocated among such jurisdiction in a manner prescribed by instructions issued by the office of support enforcement of the department of health, education, and welfare.

NEW SECTION

✓ WAC 388-14-375 NOTICE OF DEBT. Whenever, pursuant to RCW 74.20A.040, the office of support enforcement issues a notice of support debt accrued and/or accruing based upon a superior court order, a debtor may, within twenty days of the date of service of said notice, request in writing, an administrative hearing which hearing shall be held pursuant to chapter 34.04 RCW and the following rules and regulations of the department are herewith made applicable to this hearing:

WAC 388-08-055	388-08-180	388-08-220	388-08-520
388-08-083	388-08-190	388-08-375	388-08-600
388-08-150	388-08-200	388-08-390	388-11-070
388-08-160	388-08-210	388-08-400	388-11-090
388-08-170			

As a condition precedent to this hearing, the debtor must, when the current support is assigned to the department, pay to the office of support enforcement the periodic amount required by the superior court order for current and future support as each periodic amount comes due. If a debtor alleges inability to pay the periodic amount required by the superior court order for current and future support, he shall be afforded said hearing if a petition for modification has been filed in the appropriate superior court and said current and future support obligation has been modified by stipulation between the parties and the office of support enforcement or by temporary order of the court pending entry of a final order on the petition to modify.

Said request for a hearing shall specify the defenses to liability and shall be served on the district office of support enforcement by certified mail, return receipt requested, or in the manner of a summons in a civil action.

The conditions stated above shall be satisfied prior to the hearing and shall continue in effect as jurisdictional

requirements during the pendency of the hearing and during the pendency of any appeal made to the courts pursuant to chapter 34.04 RCW unless the court in its discretion makes other provision as to these matters.

In the request for hearing made pursuant to this section, the debtor shall state affirmatively his defenses and, at the hearing shall have the burden of proving defenses to the amount of arrears stated in the notice of support debt.

After evidence has been presented at a hearing, the hearing examiner shall determine the amount of support debt accrued prior to the date of service of the notice of support debt and shall issue his findings of fact, initial conclusions of law and initial decision within twenty days of the date of the hearing.

The hearing examiner in his initial decision, and the secretary or his designee in review of the proposed decision, shall be limited to:

(1) Determination of the amount of arrearages accrued prior to the date of service of the notice under the superior court order and shall have no authority to change, defer or modify the amount of monthly support due under the superior court order. Consideration of credit against the stated debt may only be given to money payments made to the caretaker or custodian of the children prior to the service of the notice of debt upon the debtor unless otherwise specified in the superior court order;

(2) Correction of mathematical computation of the stated debt;

(3) Existence of superior court orders which have modified the superior court order in issue. Contempt orders and orders entered pursuant to chapters 26.21 or 26.20 RCW shall not be construed as modifications.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter a decision and order declaring the amount of support debt accrued stated in the notice to be assessed and determined and subject to collection action.

The hearing examiner shall file the original of the initial decision and order, signed by him with the secretary or his designee, and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the appellant by certified mail to the last known address of the party. Within thirty days of receipt of the initial decision, either the appellant or the office of support enforcement may petition the secretary or his designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;

(f) Error in mathematical computation;

(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts, by any witness which materially affects the debt;

(k) Clerical mistakes in the decision arising from oversight or omission; and/or

(l) That the decision and order entered because the debtor failed to appear at the hearing should be vacated and the matter be remanded for a hearing upon showing of the grounds enumerated in RCW 4.72.010 and CR 60.

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department.

After the receipt of a petition for review, the secretary or his designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his discretion allow. The secretary or his designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or his designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or his designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party.

Informal disposition of any hearing requested under this section is encouraged where feasible and not specifically precluded by law. Said cases may be disposed of by stipulation, agreed settlement, or consent order. The secretary or his designee shall approve any consent order disposing of a request for hearing unless specifically contrary to law.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, said judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of

the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 USC 602(a)(26) (A) or RCW 74.20.040. The department may act pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment, or to collect moneys determined by such a judgment to be due and owing.

NEW SECTION

WAC 388-14-380 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) The responsible parent may, at any time within one year from the date of service of the notice of support debt accrued and/or accruing, petition the secretary or his designee for a hearing, as provided for but not previously granted pursuant to WAC 388-14-375, upon a showing of any of the grounds enumerated in RCW 4.72.010 and CR 60. A copy of said petition shall also be served on the district office of the office of support enforcement. The filing of such petition shall not stay any collection action being taken under chapter 74.20A RCW.

(2) Upon the assignment of the matter to a hearing examiner, the responsible parent may petition the hearing examiner for an order staying collection action pending the final decision of the department or the courts on any appeal made pursuant to chapter 34.04 RCW. The office of support enforcement shall be given notice of not less than five working days of the petition for stay of collection action.

The hearing examiner may, upon being satisfied of proper notice as provided above, issue a stay of future collection action conditioned in the same manner as provided above for a hearing requested in timely manner. The hearing examiner shall, on request of the office of support enforcement, also condition the stay on execution by the responsible parent and spouse, if any, of an assignment of earnings. The stay shall not require release of liens already filed. If conditions of the stay are not met, the office of support enforcement may resume collection action with notice to the responsible parent and the hearing examiner or the secretary or his designee as is appropriate. Undisbursed moneys withheld by collection action taken prior to the date of issuance of the stay or by collection action taken pursuant to the terms of the stay, shall be held in trust by the office of support enforcement pending final order of the department or any appeal to the courts made pursuant to chapter 34.04 RCW to be distributed in accordance with said final order. Current and future support shall be disbursed to the custodial parent or as otherwise appropriate when received by the office of support enforcement. In the absence of a petition for a stay by the responsible parent, the office of support enforcement may also petition the hearing examiner to set temporary, current and future support which shall be governed by the same rules which apply to the petition for a stay by the responsible parent.

The conditions under which a stay has been granted as stated above shall continue in effect as jurisdictional requirements during the pendency of the hearing and during the pendency of any appeal made to the courts pursuant to chapter 34.04 RCW unless the court in its

discretion makes other provision as to these matters. If the conditions stated above are not met, the office of support enforcement may immediately resume collection action pursuant to chapter 74.20A RCW with notice to the responsible parent and the hearing examiner or secretary or his designee as appropriate.

NEW SECTION

WAC 388-14-385 CONFERENCE BOARD. A conference board is herewith established to make inquiry into, determine facts and attempt to resolve matters in which a responsible parent or custodial parent feels aggrieved by actions taken by the office of support enforcement pursuant to chapters 74.20, 74.20A RCW, or Title IV-D of the Social Security Act (Title 42 USC).

The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances by responsible parents and/or custodial parents. An applicant for a conference board proceeding must have made a reasonable attempt and have failed to resolve the grievance or issue with the line worker and/or lead worker before a conference board may act to attempt to resolve the issue.

Upon application by an aggrieved person in accordance with this section a conference board may be called by the regional supervisor (or his designee) responsible for the case at issue. The board shall be composed of the regional supervisor (or his designee) who shall serve as chairman and two members appointed by the regional supervisor from supervisory staff of that region. The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.

Nothing herein shall preclude the chief, office of support enforcement, from appointing a conference board for matters deemed appropriate.

The chairman of the conference board is herewith authorized as a duly appointed officer empowered to issue subpoena of witnesses, books, records, etc., as provided for in RCW 74.04.290 and shall have power to subpoena witnesses, administer oaths, take testimony, and compel the production of such papers, books, records, and documents as he deems relevant to the resolution of the grievance under consideration. Additional evidence may be taken by affidavit or other written submission when necessary or practicable together with written or oral argument. Persons having specific familiarity with the matter at issue or technical expertise with the subject may be designated to advise the board as required.

The conference board's jurisdiction shall include but shall not be limited to the following areas:

(1) Complaints as to the conduct of individual staff members while acting in the scope of their duties (the decision of the board shall be directed to the first line supervisor for action as appropriate);

(2) Review of denial of application for nonassistance support enforcement services;

(3) Review of allegations of error as to the distribution of support moneys;

(4) Resolution of amounts of arrears claimed due and rate of repayments;

(5) Requests for exception to the office of support enforcement's obligation to establish paternity of a child

which may be granted whenever the case involves incest, forcible rape or whenever legal proceedings for adoption are pending and it would not be in the best interests of the child to establish paternity; waiver of cooperation in establishing and enforcing the support obligation where the custodial parent establishes that cooperation will likely result in physical harm to the child or caretaker;

(6) Requests for deferral of support enforcement action;

(7) Requests for partial or total charge-off of support arrears pursuant to RCW 74.20A.220 or declination to collect support arrears pursuant to RCW 74.20.040 on nonassistance cases;

(8) Any other matter requiring explanation of or application of policy or law to an issue raised on a specific case or clarification of facts in said case requested by an aggrieved person or referred by the chief, office of support enforcement.

The conference board's decision shall be in accordance with applicable statutes, case law, department of social and health services rules and regulations, published office of support enforcement manuals, support enforcement policy bulletins and the exercise of reasonable administrative discretion. The decision of the conference board which shall be in writing, shall represent the decision of a majority of the board and shall find the facts, applicable law, policies applied, and clearly state the decision. Decisions inconsistent with the above standards shall be vacated by the chief of the office of support enforcement and the issue remanded to the regional supervisor for issuance of a new decision in compliance with the standards.

A file of pertinent documents shall be established for each case and a copy of the decision, signed by the chairman, shall be distributed to the petitioning party, the appropriate office of support enforcement district field office for action consistent with the decision of the board, and the chief, office of support enforcement.

Decisions to grant partial or total charge-off pursuant to RCW 74.20A.220 of arrears owed to the department of social and health services under RCW 74.20A.030, 74.20A.250 or 42 USC 602(a)(26) (A) shall be based on the following considerations:

(1) Error in fact resulting in incorrect computation or incorrect establishment of the alleged debt in whole or in part; or

(2) Error in law or bona fide legal defects which materially diminish chances of collection; or

(3) Substantial hardship to minor children in household of responsible parent or other children for whom the responsible parent actually provides support which hardship is measured against income standards for public assistance and consideration of all available income, property and resources and the necessity to apportion the income and resources of the parent on an equitable basis with the children for whom the arrears accrued; or

(4) Costs of collection action in the future which are greater than the amount to be charged off; or

(5) Settlement from lump sum cash payment which is beneficial to the state considering future costs of collection and likelihood of collection.

The considerations and decision of the conference board shall not be a contested case subject to review by the superior court and shall not be a substitute for any constitutionally or statutorily permitted hearing. Aggrieved parties may be represented before the board by a person of their choice but the department will not be responsible for any costs incurred by the aggrieved person in connection with the conference.

WSR 78-07-016
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 78-6]

EXECUTIVE ORDER

**ABOLISHING CERTAIN COUNCILS AND COMMISSIONS
CREATED BY EXECUTIVE ORDER**

WHEREAS, it is the goal of this administration and the announced policy of Governor Dixy Lee Ray to control the proliferation of state agencies, boards, commissions, councils and committees; and

WHEREAS, over the years many of these entities were formed by non-statutory action and either the purposes for which they were created no longer exist or their duties and functions have been assumed or superseded through other action; and

WHEREAS, to dissolve these boards and commissions will in no way affect the state's obligation and ability to serve the public and could result in some savings to the taxpayer;

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, by virtue of the executive power vested in me make the following declaration and order:

1. That the following entities, having been created by Executive Order, be and the same are hereby dissolved and abolished:

Governor's Advisory Committee on Fisheries (EO-8/30/65)

Governor's Committee on Migratory Labor (EO-12/9/65)

Urban Affairs Council (EO-10/6/67)

Multi-Service Center Advisory Committee (EO-1/30/68)

Commission on the Cause and Prevention of Civil

Disorder (EO-4/25/68)

Departmental Task Force on Migrant Affairs (EO-5/27/68)

Constitutional Revision Commission (EO-6/7/68)

Law Enforcement Assistance Planning Advisory

Committee (EO-7/16/68)

Thermal Power Plant Siting Council (EO-7/24/68)

Human Affairs Council (EO-7/1/71)
Committee for a New Tax Policy (EO-10/13/71)
State Energy Policy Council (EO-73-2)
Governor's Council for Children (EO-73-04)

2. That certain ad hoc advisory committees listed below be considered terminated:

Horse Heaven Hills Development Committee
Wilderness Task Force
Professional Development Fund Advisory Council
Earthquake Engineering Advisory Council

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 6th day of June, A.D., 1978.

DIXY LEE RAY

Governor of Washington

BY THE GOVERNOR:

Carmela M. Bowns
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 73-12, filed 1/10/73)

WAC 478-136-020 LIMITATIONS. (1) University facilities may not be used in ways which intentionally and substantially obstruct or disrupt teaching or freedom of movement or other lawful activities on the University campus.

(2) The Constitution of the State of Washington specifically prohibits use of state facilities for religious worship, exercise, or instruction. Other unlawful activities are also prohibited.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising or promotional activities unless such activities serve educational purposes and when sponsored by a University department or agency.

(4) Except as prohibited by RCW 42.17.130 ~~((H))~~ university facilities may be used for the purpose of ~~((political campaigning by))~~ providing a forum for educational purposes regarding ballot propositions or ~~((for))~~ candidates who have filed for public office ~~((only when))~~ providing the forum is sponsored by faculty or staff groups, including informal groups, or registered student organizations, and when the audience is limited to University students, staff, ~~((and))~~ faculty, and their families.

(5) Handbills, leaflets, and similar materials which conform to these limitations may be distributed on campus by students, staff, or faculty provided such distribution does not interfere with the free flow of traffic or the educational program of the University. Persons not connected with the University are not authorized to distribute handbills or other materials.

Reviser's Note: WAC 1-13-130 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 78-07-017

ADOPTED RULES

UNIVERSITY OF WASHINGTON

[Order 78-5—Filed June 15, 1978]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to rules and regulations for use of university facilities. WAC 478-136-020 Limitations.

This action is taken pursuant to Notice No. WSR 78-05-028 filed with the code reviser on 4/17/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(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 June 9, 1978.

By Elsa Kircher Cole
Assistant Attorney General

WSR 78-07-018

ADOPTED RULES

UNIVERSITY OF WASHINGTON

[Order 78-4—Filed June 15, 1978]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to admission to the school of medicine, amending WAC 478-160-125, 478-160-130, 478-160-140 and repealing WAC 478-160-135.

This action is taken pursuant to Notice No. WSR 78-05-026 filed with the code reviser on 4/14/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(3) 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 June 9, 1978.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-125 ADMISSION TO THE SCHOOL OF MEDICINE. The University of Washington School of Medicine (~~((gives primary preference in admission to qualified residents of the State of Washington. Second preference is given to qualified residents of Alaska, Idaho, Montana, and Wyoming, which states have contractual arrangements for this purpose with the State of Washington and the University of Washington.~~) publishes complete information regarding its policies, procedures, and programs which may be obtained from the Committee on Admissions, Office of the Dean, SC-64, A-320 Health Sciences Building, University of Washington, Seattle, Washington 98195, (206) 543-7212.

~~Applicants in good academic standing in an accredited two or four-year U.S. medical school may apply as third-year transfers. In addition to the consideration which is given to an applicant's place of residence, preference in admission at the transfer level will be given to applicants from two-year medical schools.)~~ publishes complete information regarding its policies, procedures, and programs which may be obtained from the Committee on Admissions, Office of the Dean, SC-64, A-320 Health Sciences Building, University of Washington, Seattle, Washington 98195, (206) 543-7212.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-130 FIRST-YEAR ADMISSION - APPLICATION FORMS. The School of Medicine is a participant in the American Medical College Application Service Program (AMCAS). Application forms may be obtained by writing to AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036. (~~((Applications for admission to the class entering in the fall term of any given year will be accepted only until December 15 of the preceding year.))~~) Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212. Applicants are encouraged to file applications twelve months prior to desired date of entry.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-140 ((THIRD-YEAR TRANSFER APPLICATION FORMS.)) APPLICATION FOR TRANSFER. Applications for transfer (~~((into the third year of))~~) to the School of Medicine may be obtained by writing to the ((School of Medicine, University of Washington, C-304 Health Sciences Building, Seattle, WA 98195. These applications are due by

~~March 1 of the year in which the applicant wishes to enter.))~~ Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. Deadline for filing an application is determined by the University of Washington School of Medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212.

Reviser's Note: WAC 1-13-130 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

WAC 478-160-135 is hereby repealed.

WSR 78-07-019

ADOPTED RULES

UNIVERSITY OF WASHINGTON

[Order 78-3—Filed June 15, 1978]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations at University of Washington WAC 478-116-010 thru 478-116-600.

This action is taken pursuant to Notice No. WSR 78-05-103 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.10-.560 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 June 9, 1978.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-010 PREAMBLE. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the Board of Regents of the University of Washington establishes the following regulations to govern parking and traffic (~~((upon state lands devoted mainly to the educational or research activities of the University of Washington.))~~) on campus. ← *paid*

Reviser's Note: WAC 1-13-130 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 75-2, filed 6/4/75)

WAC 478-116-020 OBJECTIVES OF PARKING AND TRAFFIC REGULATIONS. (1) The objectives of these regulations are:

- (a) To protect and control ((pedestrian, bicycle and vehicular)) traffic.
- (b) To assure access at all times for emergency equipment.
- (c) To minimize traffic disturbance during class hours.
- (d) To facilitate the work of the University by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

(2) Permission to park or operate a vehicle or bicycle upon state lands governed by these regulations is a privilege granted by the Board of Regents of the University of Washington, and does not ensure regular availability of a parking space under the conditions stated in WAC 478-116-020 and WAC 478-116-180 and elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-050 REVISIONS OF THESE REGULATIONS. The Board of Regents or its lawful delegate reserves the right to revise these regulations including the fee, fine and penalty schedules, in accordance with its regulations and applicable laws.

NEW SECTION

WAC 478-116-055 DEFINITIONS. (1) BICYCLE. The term "bicycle" as used in this chapter shall include any device as the same is defined in Chapter 46.04 or hereafter amended.

(2) CAMPUS. The term "campus" shall mean the state lands devoted mainly to the education, housing, or research activities of the University of Washington.

(3) IMPOUNDMENT. "Impoundment" means removal of the vehicle to a storage facility either by an officer or authorized agent of the University of Washington Police Department.

(4) PEDESTRIAN. The term "pedestrian" used in this chapter shall include any person afoot, as defined in Chapter 46.04 RCW.

(5) SKATEBOARD. The term "skateboard" shall mean any oblong board of whatever composition, with a pair of small wheels at each end, which device may be ridden by a person.

(6) TRAFFIC. The term "traffic" as used in this chapter shall include pedestrians and vehicular and non-vehicular modes of transportation, as the same are defined in Chapter 46.04 RCW as now or hereafter amended.

(7) VEHICULAR MODES OF TRANSPORTATION AND/OR VEHICLES shall mean those devices defined as "vehicles" in Chapter 46.04 RCW as now or hereafter amended.

(8) NONVEHICULAR MODES OF TRANSPORTATION shall mean non-pedestrian transportation devices other than vehicles (as defined herein) and shall include, but not be limited to, bicycles and skateboards.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-070 PARKING OF MOTORCYCLES AND SCOOTERS. (1) For the purposes of these regulations, motorcycles, motorized bicycles and scooters are considered to be ((motor)) vehicles and are subject to all traffic and parking rules and regulations controlling other ((motor)) vehicles.

(2) Motorcycles, motorized bicycles and scooters must be parked in designated cycle areas only.

(3) Motorcycles, motorized bicycles and scooters are not permitted on paths, sidewalks, in buildings, or in pedestrian areas.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-080 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. All bicycle owners are encouraged to register their bicycles at the University Police Department.

(2) Bicycles shall be parked in racks. At no time shall a bicycle be parked in a building, near a building exit, on a path or sidewalk, in planted areas nor chained or otherwise secured to trees, lamp standards or sign posts. Except for racks adjacent to the residence halls, bicycle racks in campus areas are for parking and shall not be used for overnight storage.

(3) Bicycles may be ridden any place where ((automobiles)) vehicles are permitted. They may be ridden on sidewalks, though pedestrians always have the right-of-way. Bicycles shall not be ridden on paths or streets where signs indicate such is prohibited. An audible signal shall be used by bicycle operators to warn pedestrians of oncoming bicycles.

(4) Moving a bicycle into any unauthorized area is prohibited.

(5) Impounding for Illegal Parking.

(a) Bicycles parked in violation of WAC 478-116-080(2) will be subject to seizure and impounding by the University.

(b) Impounded bicycles will be stored at the University Police Department. Bicycles will be released at specified times and upon presentation of proof of ownership and payment of a \$3.00 fine. Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim the bicycle within seven days. Bicycles unclaimed after seven days will be released to the sole custody and control of the Seattle Police Department. The University and its officers, employees and agents shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

NEW SECTION

WAC 478-116-085 USE OF NONVEHICULAR MODES OF TRANSPORTATION. (1) Non-vehicular modes of transportation may be ridden on sidewalks, although pedestrians always have the right of way.

(2) Non-vehicular modes of transportation shall not be ridden on paths where signs indicate such use is prohibited.

(3) Non-vehicular modes of transportation shall be subject to the requirement that operators of such non-vehicular modes of transportation use an audible signal to warn pedestrians.

(4) Non-vehicular modes of transportation shall not be ridden or driven through or within designated walk zones during class change hours.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-090 TOURISTS AND VISITORS—EXEMPTION FROM PERMIT REQUIREMENTS. The Manager of the Parking Division may allow tourists and visitors without permits to drive through the campus without parking, but he or she may require them to wait at the entrances to the campus during times when (~~pedestrian and/or vehicular~~) traffic congestion is above normal, such as at the time of class changes.

NEW SECTION

WAC 478-116-095 AUTHORIZED USE OF STREETS AND PARKING FACILITIES. Only vehicles and bicycles, as defined and regulated in Chapter 46 RCW and as defined herein, may be operated on campus streets or within designated parking facilities.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-100 SPEED. No vehicles or bicycles shall be operated on the campus at a speed in excess of 20 miles per hour or such lower speed as is reasonable and prudent in the circumstances. Nonvehicular modes of transportation, other than bicycles, shall be operated at such lower speed as is reasonable and prudent in the circumstance. This section will be enforced in accordance with WAC 478-116-430 of these regulations.

Reviser's Note: WAC 1-13-130 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 75-2, filed 6/4/75)

WAC 478-116-110 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs which are posted by the University consistent with the Parking and Traffic Regulations of the University of Washington. Pedestrians and (~~drivers of vehicles and bicycles~~) operators of vehicular and non-

vehicular modes of transportation shall comply with directions issued by University Police Officers in the enforcement of these regulations and in the general control and regulation of traffic. Drivers of vehicles shall also comply with directions issued by members of the Parking Division in the assignment and use of parking space and in the collection of parking fees.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-120 PEDESTRIANS—RIGHT-OF-WAY. (1) The operator of a (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation shall yield the right-of-way, slowing down or stopping, if need be, to yield the right-of-way to any pedestrian crossing any street or roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation which is so close that it is impossible for the operator to yield.

(2) Whenever any (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation is stopped at any unmarked crosswalk at an intersection or at a marked crosswalk to permit a pedestrian to cross the roadway, the operator of any other (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation approaching from the rear shall not overtake and pass such stopped (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation.

(3) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all (~~vehicles and bicycles~~) vehicular or nonvehicular modes of transportation upon the street or roadway.

(4) Pedestrians on a street or roadway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme lefthand side of the roadway and upon meeting an oncoming (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation shall step to their left and clear of the street or roadway.

(5) Notwithstanding the foregoing provisions of this section, every operator of a (~~vehicle or bicycle~~) vehicular or nonvehicular mode of transportation shall exercise due care to avoid colliding with any pedestrian.

NEW SECTION

WAC 478-116-355 OVERTIME PARKING VIOLATIONS—REPEATED. Each subsequent period of time lapsing following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of Section WAC 478-116-110 and/or WAC 478-116-350.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-450 ELECTION TO FORFEIT OR CONTEST. (1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the University Parking Court.

(2) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the University Parking Violations Division. Such forfeiture shall constitute a waiver of the right to a hearing.

(3) If the alleged violator chooses to contest, he or she may do so by contacting the Parking Violations Division and requesting a date to appear in court. Such request may be made by telephone, mail or in person.

(4) If an alleged violator has received one or more parking violation notice(s) amounting to ~~((\$5.00))~~ \$12.00 or more without either forfeiting the fine or requesting a court date, the Parking Violations Division shall send him or her a notice directing him or her either to appear in court on a date at least 25 days after the date the notice is deposited in the mail or to pay and forfeit his or her fine, the total of which shall be set forth on the notice. Such notice shall be sent not earlier than seven ~~((7))~~ days after the alleged violator was served with his or her unanswered summons or parking violation notices(s).

(5) Failure of an alleged violator to appear in the University Parking Court on the date set or to apply for a continuance of the hearing date or to pay and forfeit fines prior to the hearing date shall, unless lawful excuse is established before the University Parking Court, constitute a plea of guilty to the complaint or information and such penalty or fine may be imposed by the Parking Judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)WAC 478-116-520 FINES AND PENALTIES.

(1) The fines or penalties which may be assessed for violations of these regulations are those detailed in WAC 478-116-600(3).

(2) Fines

(a) Persons cited for violation of these regulations may respond either by arranging for a University Parking Court date or by paying and forfeiting a fine within seven ~~((7))~~ days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within seven ~~((7))~~ days of the date of issue of the citation in order to avoid additional penalties.

(b) An additional fine of ~~((\$2.00))~~ \$5.00 per offense shall be assessed for each parking citation which is not responded to within the seven day limit provided in WAC 478-116-520(2)(a).

(c) The Manager of the Parking Division shall cause these regulations or a reasonable summary thereof to be:

(i) Published in the University of Washington DAILY at least twice each calendar year.

(ii) Prominently displayed in the offices of the University Parking Violations Division, the University Police Department, and the Parking Division.

(d) The Fine Schedule shall be printed on the parking violation notices served on alleged violators.

(3) In any case where an alleged violator within a period of three months or less has a combined total of five or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation ~~((is convicted in University Parking Court of a parking offense))~~, the Parking Judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:

(a) Suspension of permit parking privileges on campus for a specified time;

(b) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer ~~((for disciplinary action))~~.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-3 filed 10/6/76)

WAC 478-116-582 IMPOUNDMENT FOR FAILURE TO PAY FINES. Any vehicle may be impounded for outstanding fines when, after 14 days after judgment of the University Parking Court imposing liability for fines, the owner has neither paid such fines nor requested a hearing before the ~~((Seattle District))~~ University Parking Court to contest the judgment. ~~((Provided, in))~~ In no case shall failure to comply with a judgment of the Parking Court constitute grounds for impoundment unless notice is sent to the registered owner or alleged violator prior to the hearing informing him of the violations with which he/she was charged and of his/her right to elect between paying the fine prior to the date set for hearing before the parking court or appearing on that date to contest such fines. Such notice shall clearly indicate that failure to respond by either payment of the fines or appearance in court will result in a judgment against the owner and that failure to comply with an order of the parking court will subject the vehicle to impoundment if it is found parked on University lands.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-584 IMPOUNDMENT WITHOUT PRIOR NOTICE. A vehicle may be impounded without reasonable attempt having been made to notify the owner of the possibility of this action only in the following circumstances:

(a) When in the judgment of a University Police Officer the vehicle is obstructing or may impede the flow of traffic, or

(b) When in the judgment of a University Police Officer the vehicle poses an immediate threat to public safety, or

(c) When a University Police Officer has probable cause to believe the vehicle is stolen, or

(d) When a University Police Officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, and in his judgment impoundment is necessary to obtain or preserve such evidence.

(e) When a driver is arrested and/or deprived of the right to leave with his/her vehicle, and the University Police are responsible for the "safekeeping" of the vehicle.

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-588 NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES. (1) Not more than 48 hours after impoundment of any vehicle, the University of Washington Police Department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington Police Department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington State Department of Motor Vehicles or the corresponding agency of any other state or province. If a Police Officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption, an opportunity for a hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefore, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as WAC 478-116-582 prior to redemption, except as provided in subsection (c) of this regulation.

~~((c) Any person seeking to redeem a vehicle impounded under WAC 478-116-582 has a right to a~~

~~hearing to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vehicle released when such person makes such request for hearing in writing to the Seattle District Court. Where such a request is made and the owner fails to appear for the hearing, the fines and charges become immediately due and payable.))~~

~~((d)) (c) Any person seeking to redeem a vehicle impounded under WAC 478-116-582, WAC 478-116-584 or WAC 478-116-586 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and ((such person)) shall have his or her vehicle released ((when such person makes such)) upon making a written request for a hearing ((in writing)) to the University Parking Court, ((Where such a request is made and the owner fails to appear for the hearing, the fines and charges become immediately due and payable.)) paying any outstanding fines, and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil penalty of fifty dollars which promissory note shall immediately become due and owing in the event such person either:~~

(i) Fails to appear at the requested hearing, or

(ii) fails to pay by 7:00 p.m. the next business day following the hearing any towing and storage charges for which such person may be found liable.

(A) In addition to any other penalty which may be imposed as a result of actions described in subsections (i) or (ii), campus parking privileges shall be suspended until all such debts are paid.

(B) The promissory note shall be automatically cancelled and discharged when a person either:

(i) Pays the towing and storage charges and cancels his or her request for a hearing, or

(ii) Pays the towing and storage charges by 7:00 p.m. the next business day after having been found liable therefore at the hearing provided for in this section.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 78-1E, filed 3/24/78)

WAC 478-116-600 FEES, FINES AND PENALTIES. (1) For purposes of this section the following lots are in:

(a) Zone A -

(i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;

(ii) East Campus: E3, E6, E7, E8;[:]

(iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28;

(iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10;

(v) West Campus: W1, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.

(b) Zone B -

(i) East Campus: E2, E9, E10, E11, E12;

(ii) North Campus: N1, N5, N25;

- (iii) South Campus: S13;
- (iv) West Campus: W2, W16, W17, W26, W27, W28, W29, W30, W31, W32, W33, W36, W38, W40.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits		
(A) Zone A Permits (not including 24-hour storage)	Year	\$ 72.00
(B) Zone B Permits (not including 24-hour storage)	Year	60.00
(C) Reserved - General	Year	144.00
(D) Reserved - Physically Handicapped	Year	72.00
(E) Motorcycle and Scooter	Year	18.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	6.00
(G) 24-hour storage, garages	Year	108.00
(H) 24-hour storage, surface lots - Zone A	Year	72.00
(I) 24-hour storage, surface lots - Zone B	Year	60.00
(ii) Quarterly Permits:		
(A) Zone A permits (not including 24-hour storage)	Quarter	18.00
(B) Zone B permits (not including 24-hour storage)	Quarter	15.00
(C) Reserved - General	Quarter	36.00
(D) Reserved - Physically Handicapped	Quarter	18.00
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	2.00
(F) Motorcycle and Scooter	Quarter	5.00
(G) 24-hour storage, garages	Quarter	27.00
(H) 24-hour storage, surface lots - Zone A	Quarter	18.00
(I) 24-hour storage, surface lots - Zone B	Quarter	15.00
(iii) Night Permits (5:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	48.00
(B) Zone B annual permits	Year	24.00
(C) Zone A quarterly permits	Quarter	12.00
(D) Zone B quarterly permits	Quarter	6.00
(E) Conference Permits	Week	6.25
(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		.25
(iii) to 1 hour		.50
(iv) 1 hour to 2 hours		.75
(v) 2 hours to 3 hours		1.00
(vi) over 3 hours		1.25
(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		.25
(iii) to 1 hour		.50
(iv) over 1 hour		.75
(c) Evening Parking (5:00 p.m. to 11:00 p.m.)		
(i) 0-30 minutes	No charge	
(ii) over 30 minutes		.50
(d) Overnight Parking (to 7:30 a.m.)		1.00
(e) Special Permits -		
(i) Short term (24-hour) Zone A (Faculty, Staff and Students)	Week	2.25
	Month	9.00
(ii) Short term (not including 24-hour storage) Zone A (Faculty, Staff, and Students)	Week	1.50
	Month	6.00
	Day	.25
(iii) Short-term Motorcycle		
(iv) Ticket Books (persons identified in Sections WAC 478-116-240(6) and WAC 478-116-250(1) only)		
(A) 5 ticket book	Book	1.75
(B) 10 ticket book	Book	3.50
(C) 25 ticket book	Book	8.75
(f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10 -.50
(g) Athletic Events -		
(i) Football		
(A) All campus lots		1.00
(B) Buses		5.00
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		.75
(B) When controlled by mechanical equipment		.25
(h) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement		2.50

	PER	AMOUNT
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)		Not to exceed 5.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft		No charge
(B) Without certificate of destruction		2.00
(v) Impound Fee		At cost

(3) The following schedule of fines for violations of these rules is hereby established:

Offense	Maximum Fine
(a) 01 Blocking Traffic WAC 478-116-190	((5-5.00)) <u>\$ 10.00</u>
(b) 02 Enter/Exit Without Paying WAC 478-116-110	10.00
(c) 03 Failure to Lock Ignition WAC 478-116-200	((2.00)) <u>3.00</u>
(d) 04 Failure to Set Brakes WAC 478-116-200	((2.00)) <u>5.00</u>
((e) 05 Improper Display Area Designator WAC 478-116-340)	((1.00))
((f) 06)) (e) 05 Improper Display of Vehicle Permit WAC 478-116-340	((1.00)) <u>2.00</u>
((g) 07)) (f) 06 Occupying More than One Stall or Space WAC 478-116-140	((1.00)) <u>2.00</u>
((h) 08)) (g) 07 Parking in Restricted Parking Area WAC 478-116-110	((2.00)) <u>5.00</u>
((i) 09)) (h) 08 Parking in Prohibited Area WAC 478-116-130	((5.00)) <u>10.00</u>
((j) 10)) (i) 09 Parking on ((Grass)) planted areas WAC 478-116-130	5.00
((k) 11)) (j) 10 Parking Out of Assigned Area WAC 478-116-130	((2.00)) <u>5.00</u>
((l) 12)) (k) 11 Parking Over Posted Time Limit WAC 478-116-110	((2.00)) <u>5.00</u>
((m) 13)) (l) 12 Parking with No Valid Permit Displayed WAC 478-116-060	((2.00)) <u>5.00</u>
((n) 14)) (m) 13 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	((5.00)) <u>10.00</u>
((o) 15)) (n) 14 Parking at Expired Meter WAC 478-116-350	((2.00)) <u>5.00</u>
((p) 16)) (o) 15 Parking Outside Cycle Area WAC 478-116-070	((2.00)) <u>5.00</u>
((q) 17)) (p) 16 Parking in Space/Area Not Designated for Parking WAC 478-116-130	((1.00)) <u>5.00</u>
(q) 17 Parking While Privilege Suspended WAC 478-116-520	((1.00)) <u>5.00</u>
((r) 18 Use of Forged/Stolen Area Designator WAC 478-116-060 and WAC 478-116-370)	((10.00))
((s) 19)) (4) 18 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and WAC 478-116-370	25.00
((t) 20)) (s) 19 Impound WAC 478-116-580	At cost
((u) 21)) (t) 20 Other Violations of the University Parking and Traffic Regulations	25.00

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 478-116-576 IMPOUNDMENT DEFINED
- (2) WAC 478-116-578 VEHICLE DEFINED

WSR 78-07-020
PROPOSED RULES
OFFICE OF FINANCIAL MANAGEMENT
[Filed June 15, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Financial Management intends to adopt, amend, or repeal rules concerning chapter 10.97 RCW rules for the provision of physical security and personnel safeguards over the dissemination of information pertaining to subjects named in criminal history files. In addition, WAC 356-50-300, contract for services, is amended to better reflect state planning agency authority to require compliance to all physical security and personnel standards, as established by section 10.97.090(2) RCW. The form prescribed in WAC 356-50-560 may be used for this purpose;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 28, 1978, in the House Office Building.

The authority under which these rules are proposed is Section 10.97.090(1) and (2) RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 15, 1978.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-06-056 filed with the code reviser's office on May 24, 1978.

Dated: June 15, 1978

By: Gerald Sorte
Deputy Director

~~**WSR 78-07-021**~~
~~**ADOPTED RULES**~~
~~**DEPARTMENT OF**~~
~~**SOCIAL AND HEALTH SERVICES**~~
~~**(Public Assistance)**~~
~~[Order 1306—Filed June 15, 1978]~~

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to day care participation, new WAC 388-15-172.

This action is taken pursuant to Notice No. WSR 78-05-045 filed with the code reviser on 4/24/78. 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 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 June 14, 1978.

By Thomas G. Pinnock
Acting Secretary

NEW SECTION

WAC 388-15-172 DAY CARE PARTICIPATION. (1) The department will provide assistance for day care expenses of employed one and two parent families whose income exceeds 38% of the state median income adjusted for family size (SMIAFS), but does not exceed 52% SMIAFS. The parent(s) shall pay 50% of available income (income above 38% of SMIAFS) toward the cost of day care. The department shall pay the remainder not to exceed its established rate. Participation schedules are available at local offices of the department.

(2) Day care participation will only be authorized for the hours the parent(s) is employed. When one parent is employed and the other is in training, day care participation will only be authorized for the hours the working parent is employed and the other parent is in training.

WSR 78-07-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 15, 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 the amending of Title 388 WAC, relating to public assistance.

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

Gerald E. Thomas
Acting Secretary
Department of Social and Health Services
Mail Stop OB-44
Olympia, Washington 98504;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Building #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 14, 1978
By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1131, filed 7/8/76)

WAC 388-22-030 DEFINITIONS. This section is a compilation of the definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. Their collection in

one section tends to insure a more exact understanding of the word or concept and to avoid repetition of the definition. Related definitions have been grouped under the key word, for example, "income" and its modifications. Some words and phrases are listed with a reference to the section in which the definition is found. These terms seem best defined in the context of the section in which they are primarily used, for example, "adequate consideration" in the relation to the transfer or sale of property.

For definitions of terms used in the medical assistance—Title XIX and medical services (fully state financed) programs, see chapter 388-80 WAC.

(1) "Adequate consideration." See WAC (~~388-26-205~~) 388-28-458.

(2) "Adult" means a person (~~(18)~~) eighteen years of age or older.

(3) "Apartment" means two or more rooms with cooking and sleeping facilities which is a unit of a larger structure.

(4) "Applicant" shall mean any person or a family unit by whom or for whom a request for assistance has been made.

(5) "Application." See WAC 388-38-010.

(6) "Assistance unit" means the members of a family unit who are eligible to be included in a single categorical grant.

(7) "Authorization"

(a) "Authorization date" means the date the worker signs the prescribed form authorizing assistance for a new, reopened or reinstated case.

(b) "Authorization of disbursement of grant" means the final administrative act of the department directing the state disbursing officer to release a warrant.

(c) "Authorization of grant" means attesting the applicant's eligibility for assistance in an amount as determined by his circumstances and department standards and giving authority to make payment accordingly.

(d) The date of authorization or certification shall always be a day on which the department is officially open for business.

(8) "Automobile" means passenger vehicle and truck of any type and may include boats.

(9) "Board and room" means a living arrangement in which an individual purchases his food, shelter and household maintenance requirements from one vendor.

(10) "Boarding home" means any place in which one or more persons purchases his food, shelter and household maintenance requirements on-a board and room basis.

(11) "Cash savings" means money which is not classified as income.

(12) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action affecting a grant.

(13) "Child" or "minor child" means a person under 18 years of age.

(14) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

(15) "Disability." See WAC 388-93-025.

(15a) "Deadline for grant authorization" means the last day during a month on which a change of circumstances can be transmitted by the ESSO to the SO for processing for payment the first of the following month.

(16) "Effective date" means the date eligibility for a grant begins or eligibility changes or ends.

(17) "Encumbrances of record" means any mortgage, claim, lien, charge or other liability, such as past due taxes, attaching to and binding upon property and which is recorded with the county auditor or treasurer. It also includes the amount of any assessment established and of record, whether past due or due in the future.

(18) "Entitlement." See WAC 388-28-390.

(19) "Equity" means quick-sale value less encumbrances of record.

(20) "Estate" means all real and personal property owned by a person as of the date of his death. Any type of insurance or benefit not payable to the estate of the decedent is excluded from the estate.

(21) "Family unit" means husband and wife, parent(s) or persons standing in loco parentis and minor children, or any combination thereof, living together and receiving assistance; husband and wife shall include a nonapplying spouse.

(22) "Federal aid" means the assistance grant programs for which funds in aid are received by the state from the U.S. government.

(23) "Food stamp program." The program administered by the department in cooperation with the U.S. department of agriculture under which eligible households are certified to receive a bonus of free food coupons with the purchase of food coupons to be used to buy food.

(24) "Fraud." See WAC 388-44-020.

(25) "Funeral." See WAC 388-42-020.

(26) "General assistance—continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance.

(27) "General assistance—noncontinuing" (GAN) is temporary assistance for persons, as specified in chapter 388-37 WAC, who do not qualify or apply for federal aid assistance.

(28) "Grant" means a money payment in the form of a state warrant redeemable at par awarded to a recipient, or to a recipient's guardian, or to the person appointed protective payee for a recipient.

(a) "Adjusting grant" means postpayment of the difference between the amount for which the recipient was eligible for a given period and the amount already paid. An adjusting grant may be payment on an incorrect initial grant, or an adjustment of a regular grant paid.

(b) "Initial grant" means the payment due from date of eligibility to the payment date of the first regular grant. The initial grant may be a combination of postpayment and the monthly prepayment, or postpayment only.

(c) "Minimum grant" means the smallest grant payment. The minimum grant shall be one dollar, unless a court decision requires payment of a smaller amount.

(d) "One-time grant" means one noncontinuing payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance in the amount authorized on the payment date on a continuing basis until payment is suspended or terminated.

(29) "Grantee" means the person or persons to or for whom assistance is paid.

(30) "House" means a separate structure of one or more rooms.

(31) Deleted.

(32) "Household maintenance" means the requirements of fuel for space heating, water heating, cooking, lights, and refrigeration, household supplies, garbage and sewage disposal and water.

(33) "Impairment." See WAC 388-93-025.

(34) "Income" means any appreciable gain in real or personal property (cash or kind) received by an applicant on or after the first of the month in which eligibility is determined, and which can be applied toward meeting the requirement of the applicant and his dependents, either directly or by conversion into money or its equivalent.

(a) "Cash income" means income in the form of money.

(b) Deleted.

(c) "Earned income." See WAC 388-28-570.

(d) "Exempt income" means net income which is not deducted from the cost of requirements to determine need.

(e) "Income-in-kind" means income in the form of a requirement which contributes appreciably toward meeting the need for the requirement. Income-in-kind shall be evaluated in terms of its cash equivalent.

(f) "Net income" means gross income less cost of producing or maintaining the income.

(g) "Nonexempt income" means net income which is deducted from the cost of requirements to determine need.

(h) "Recurrent income" means income which can be predicted to occur at regular intervals.

(35) "Inquiry." See WAC 388-38-010.

(36) "Intermediate care" and "Intermediate care facility." See WAC 388-34-015(10) and (11).

(37) "Institution—Medical." See WAC 388-34-015(1).

"Institution—Private." See WAC 388-34-015(7).

"Institution—Public." See WAC 388-34-015(8).

(38) "Institutional services." See WAC 388-34-015(12).

(39) "Living in own home" means a living arrangement not involving boarding and rooming, or care in a hospital, nursing home or other institution.

(40) "Marketable securities" means stocks, bonds, sales contracts, mortgages, and all other forms of negotiable securities.

(41) "Medical assistance" or "MA" means the federally aided program (Title XIX—Social Security Act) for providing medical care. See WAC 388-80-005(29).

(42) "Minor" or "minor child" means a person under (~~(18)~~) eighteen years of age.

(43) "Need" is the amount of the deficit, as measured by department standards, which exists between the applicant's or recipient's requirements and his nonexempt resources and/or net income for specific payment period.

(44) "Need under normal conditions of living." See WAC ((~~388-26-205(2)~~)) 388-28-458.

(45) "New" means authorization of a grant for an individual who previously has not received assistance from the state of Washington in the category from which the grant is authorized.

(46) "Nursing home." See WAC 388-34-015(3).

(47) "Nursing home care." See WAC 388-34-015(4).

(48) "Overpayment." See WAC 388-44-010(1).

(49) "Patient." See WAC 388-34-015(6).

(50) "Payee" means the person in whose name a warrant or check is issued.

(51) "Payment date" means the date on which the grant is considered an amount expended and the warrant is dated. The payment date of a regular grant is usually the date the payee receives his warrant. For other grants the payee may receive the warrant a day or two after the payment date.

(52) "Permanent and total disability." See WAC 388-93-025.

(53) Deleted.

(54) "Psychiatric facility." See WAC 388-34-015(9).

(55) "Property" means all resources and/or income possessed by an applicant or a recipient.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings, thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property." See WAC ((~~388-26-205(5)~~)) 388-28-458.

(d) "Used and useful property" shall mean property which currently serves a practical purpose for an applicant, or recipient, offers a possible financial return or contributes to the individual's future capacity for self-support or to the growth and development of some members of the family.

(56) "Protective payment" means a cash public assistance payment to an individual in behalf of an eligible recipient under conditions specified by the department in WAC 388-33-420 and ((WAC)) 388-33-440 through 388-33-459.

(57) "Public assistance emergency assistance fund" - means the payment system used by the ESSO to issue public assistance warrants to individuals in emergent need who are eligible for noncontinuing or continuing assistance.

(58) "Recipient" shall mean any person or a family unit for whom or in whose behalf a public assistance grant has been authorized. Such a person or family unit remains in "recipient" status during the entire period for which assistance was paid or suspended; provided that when public assistance is unlawfully received, recipient status ends upon notice of unlawful payment and receipt of assistance.

(59) "Recomputation" means refiguring the grant according to certified changes in the recipient's circumstances.

(60) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

(61) "Reopen" means authorization of grant to an individual who previously received assistance from the state of Washington in the category for which he has applied, that is, one whose grant was previously terminated.

(62) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some applicants in their own homes or in boarding homes under specified conditions. See WAC ((~~388-28-150~~)) 388-29-150 through ((~~388-28-251~~)) 388-29-270.

(b) "Basic requirements" means the needs essential to all persons—food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance. For some persons' several basic requirements are combined or consolidated into an item such as board and room, nursing home care, or intermediate care due to the individual's living arrangement.

(63) "Resource" means any property an applicant owns when he applies for assistance which can be applied toward meeting his and his dependents' financial need, either directly or by conversion into money or its equivalent. Any property obtained on or after the first of the month within which eligibility is determined is called "income."

(a) "Exempt resource" is a resource which by law or rule of the department does not make the owner ineligible, nor is its value (other than use) used in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt by law or policy of the department and the value of which is used to determine financial need.

(64) "Restitution" means the right of the state to secure repayment of assistance paid contrary to law.

(65) Deleted.

(66) Deleted.

(67) "Statements in support of application." See WAC 388-38-010(3).

(68) "Suspension" means an action affecting payment according to WAC 388-33-355.

(69) "Terminate" means discontinuance of payment or termination of suspension status due to ineligibility.

(70) "Transfer—intercounty" means certification of grant recomputation and other grant actions affecting a recipient who permanently changes his residence from one county to another, and transfer of the case between ESSO.

(71) "Value"

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" is the value at which a reasonably prudent person would purchase property if he were not forced to purchase and at which a reasonably prudent person might sell the property were he not forced to sell. It is differentiated from a quick-sale or forced-sale value. Fair market value ordinarily is established by a person qualified to make evaluations of property.

(c) Deleted.

(d) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

(e) "Reasonable value." See WAC ((~~388-26-205(4)~~)) 388-28-458.

(72) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

(73) "Vocational training" means an organized curriculum in a school or training unit or an organized training program under recognized sponsorship with a specific vocational training objective and will take no more than two years to complete. For purposes of this definition the following are included:

(a) Regular attendance at a high school under special arrangements adapted to the individual educational needs of the student if the course leads to a diploma or a certificate equivalent to the high school diploma.

(b) Regular attendance in a course of vocational training designed to fit the student for gainful employment.

(c) Regular attendance in an organized training program under recognized sponsorship, such as college vocational courses, OEO, MDTA, apprenticeships, etc.

(74) "Warrant" means the state treasurer's warrant issued in payment of a grant.

(75) "Warrant register" means the list(s) of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment of the number of matchable persons whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one-time grants paid.

(76) "Work incentive program" or "WIN." See WAC 388-57-040.

AMENDATORY SECTION (Amending Order 1004, filed 1/24/75)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child

(1) Who is under the age of ((+8)) eighteen years,

(a) AFDC may be granted on behalf of an unborn child. Medical confirmation of pregnancy is required;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington—see WAC 388-26-050 through ((~~388-26-115~~)) 388-26-105;

(3) Who is deprived of parental care and support because of death, or continued absence of a parent, or the incapacity of a parent or stepparent - see WAC 388-24-055 through 388-24-075. If unemployment of the father or stepfather is the basis of deprivation, all provisions in WAC 388-24-135 apply.

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the ~~((U.S.))~~ United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC ~~((388-26-200))~~ 388-28-457 through ~~((388-26-250))~~ 388-28-465;

(8) Who is in financial need - see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under ~~((+18))~~ eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children. Unless this is done, eligibility can not be determined;

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

AMENDATORY SECTION (Amending Order 1001, filed 1/14/75)

WAC 388-24-055 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-DEPRIVATION OF PARENTAL SUPPORT OR CARE. (1) "Parent" as used in this and following sections means a natural or adoptive parent or stepparent.

(a) An adoptive parent has the same rights and responsibilities as a natural parent in respect to the adopted child.

(b) A stepparent, legally married to a child's parent has the same rights and responsibilities as a natural parent for the care and support of his or her stepchild. See WAC 388-28-350.

(2) A child deprived of parental support or care may or may not be in financial need. Need is a factor to be determined separately.

(3) Deprivation of a child of unmarried parents is determined on the same basis as a child of married parents.

(4) A child living with a parent and an individual assuming the role of spouse of the parent is deprived because of the absence or death of the other natural or adoptive parent. The responsibility of the assumptive spouse to support the child is a financial need factor only - see WAC 388-28-355. Also see WAC ~~((388-28-315))~~ 388-24-108 through WAC ~~((388-28-345))~~ 388-24-114 in respect to support from absent parent.

AMENDATORY SECTION (Amending Order 987, filed 12/16/74)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN-DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent, adoptive parent, or stepparent and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following situations are examples of situations which are considered to meet this requirement:

(a) Absence as the result of legal action

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion or abandonment

(i) There is a clear disassociation of one or both parents from their normal family relationship and no indication that the absence is for the purpose of seeking employment, working, or of technically qualifying for assistance.

(ii) If the separation, desertion or abandonment has existed at least thirty days prior to application and there is no indication that the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the local office showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a non-responsible relative on behalf of a child who has not been placed in his custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC ~~((388-28-345))~~ 388-24-114 shall apply.

(c) Absence of unmarried parents

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subsection (3)(b).

(d) Absence due to other reasons

(i) Parent serving in military service and will be absent from the home more than thirty days.

(ii) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(iii) Parent has been deported.

AMENDATORY SECTION (Amending Order 1199, filed 3/18/77)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E-LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) Relationship of child to relative

(a) A dependent child to be eligible for AFDC-R must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:

(i) Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent,

(ii) Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition,

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" above,

(iv) Spouse of any persons named in the above groups are within the scope of this provision, although the marriage is terminated by death or divorce.

(b) A child eligible for AFDC-E must be living with both natural or adoptive parents, or a parent and stepparent, as defined in WAC 388-24-135. A child of unmarried parents is included. In order to determine members of the assistance unit, see WAC 388-24-050 also.

(c) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.

(d) The unborn child is considered to be living with the mother.

(2) Verification of relationships - relative to child and parents to each other.

The declaration of relationship of the relative to the child and of the parents to each other entered on the application or review form is sufficient to establish the ~~((declared-declared))~~ declared relationship unless the ESSO has reasonable doubt that the declaration is correct. If

doubt exists, the relative may be required to present documentary proof.

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative retains responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) Deleted

(ii) Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ((90)) ninety days the monthly grant standard shall be as specified in WAC ((388-28-136)) 388-29-125.

(iii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-28-142. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

(iv) Visits in which the child or responsible relative is away from home for 90 days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ((90)) ninety days, eligibility is redetermined in accordance with the new circumstances.

(v) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) ESSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control and supervision of the child.

AMENDATORY SECTION (Amending Order 1189, filed 2/18/77)

WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN—UNEMPLOYED FATHER—SUMMARY OF ELIGIBILITY CONDITIONS. To be eligible for AFDC-E an applicant shall be a child

(1) Who is deprived of parental care and support because of the unemployment of his father or stepfather:

(a) A father or stepfather is considered to be unemployed who

(i) Is employed less than ((+00)) one hundred hours a month, or

(ii) Exceeds that standard for a particular month if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the ((+00)) one hundred-hour standard for the two prior months and is expected to be under the standard during the next month.

(b) Deprivation due to unemployment continues until the end of the month in which the father or stepfather no longer meets the definition in subdivision (1)(a).

(c) AFDC will not be denied or terminated because of certification to the WIN program or solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(2) Who is living with a natural, adoptive, or stepfather and a natural, adoptive or stepmother, except that one parent or stepparent may be temporarily absent to search for employment with the expectation of continuing to live with the family.

(3) Who meets the eligibility conditions specified in WAC 388-24-040 and ((WAC)) 388-24-090 through 388-24-125.

(4) Whose father or stepfather has been unemployed as defined in subsection (1) for at least thirty days prior to the date AFDC-E is authorized.

(a) When AFDC-E is terminated due to full-time employment of the father or stepfather, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(5) Whose father or stepfather has not refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same ((30)) thirty-day period. (See WAC 388-57-025 and 388-57-030).

(6)(a) Whose father or stepfather verifies that he is registered for employment with the local SES office prior to the initial authorization of assistance and at the time of the periodic redetermination of eligibility as specified in WAC ((388-30-125-(3)(b))) 388-38-280.

(b) In WIN areas this requirement is fulfilled by registration for WIN prior to the granting of assistance, and participation in a WIN program component at time of review.

(7) Whose father or stepfather has applied for and is accepting any unemployment compensation to which he is entitled. This requirement shall apply to recipients no later than the next regular redetermination of eligibility.

(8) Whose father or stepfather

(a) Has had six or more quarters of work within any ((+3)) thirteen-calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he earned income of not less than ((50)) fifty dollars, or in which he participated in the work incentive program. A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his application received unemployment compensation or if the employment which he had was not covered under the unemployment compensation law of the state or the United States, his earnings were such that had his employment been covered, he would have been eligible.

(9) Whose father or stepfather

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services as defined in WAC 388-15-230.

(b) In WIN areas is registered for and accepts the services defined in subdivision (a) if he has not been accepted into a WIN component or status.

AMENDATORY SECTION (Amending Order 1198, filed 3/17/77)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the local office shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death, unemployment or incapacity after deprivation due to absence ceases, and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:

(a) Assistance will be discontinued at the end of the next calendar month after deprivation due to absence ceases or at the end of the month in which the father or stepfather receives his pay for the first ((+00)) one hundred hours of full employment after deprivation due to absence ceases, whichever is earlier.

(b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC ((388-30-107)) 388-38-255.

(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for AFDC-R, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist.

(a) When a formerly incapacitated father or stepfather obtains employment subsection (4) is applicable.

(4) When an unemployed father or stepfather obtains fulltime employment as defined in WAC 388-24-135(1)(a)(i) or (ii), assistance is continued, if otherwise eligible, until the end of the month in which he receives his pay for the first ~~((100))~~ one hundred hours of employment or until the end of the next calendar month whichever is earlier.

AMENDATORY SECTION (Amending Order 1176, filed 12/23/76)

WAC 388-24-260 EMERGENCY ASSISTANCE—STANDARDS—DURATION. (1) Standards for requirements shall be as provided in WAC ~~((388-28-100))~~ 388-29-100 through ~~((388-28-140))~~ 388-29-140.

(2) Emergency assistance may be paid to the recipient in cash as specified in WAC 388-33-630, or by vendor payment.

(3) Emergency assistance is limited to one period of thirty consecutive days in any twelve consecutive months.

(4) Emergency assistance may not duplicate assistance for needs which are included in a regular AFDC or SSI grant payment.

AMENDATORY SECTION (Amending Order 993, filed 12/31/74)

WAC 388-24-270 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN—TRANSPORTATION. (1) Transportation for the child or family shall be provided for:

(a) Returning a child or family to state of former residence when they do not intend to reside in this state and have no resources available to pay for transportation.

(b) Reaching the location of a job when the availability of the job to the specific individual has been verified, or in the case of migrant families whose usual employment is agricultural, it is known that seasonal jobs are available.

(c) Reaching a place where relatives will assume responsibility when the facts have been verified.

(2) Transportation will be paid according to the standard specified in WAC ~~((388-28-220(2)))~~ 388-29-190.

AMENDATORY SECTION (Amending Order 1004, filed 1/24/75)

WAC 388-24-275 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN—ALIENS. Emergency assistance shall be used to meet the need of children and families not eligible for AFDC because of their alien status. See WAC 388-26-120 ~~((through 388-26-128))~~, 388-26-128 and 388-38-220 through 388-38-230.

AMENDATORY SECTION (Amending Order 1018, filed 4/23/75)

WAC 388-28-355 CONFIDENTIALITY—PRESUMPTIVE SPOUSE. (1) When a dependent child lives with one parent and another person whom the department presumes to be the spouse but who is not legally married to the parent:

(a) The parent must declare those portions of the income and resources of the presumptive spouse which are provided voluntarily for the support of the child(ren) and the parent.

(b) Only such income and resources which have been stipulated by the parent to be actually available on a regular basis to meet the needs of the parent and child(ren) shall be considered in determining the income available to the parent and child(ren).

(2) Unwillingness of the presumptive spouse to contribute does not affect the child's eligibility for assistance.

(3) The presumptive spouse who is not a recipient shall not be considered as a member of the household in computing and allocating basic requirements. The needs of the presumptive spouse may not be included in the assistance unit - see WAC 388-24-050(4), ~~((388-28-020))~~ 388-29-020 and ~~((388-28-080(3)))~~ 388-29-080(3).

(4) The natural parent is not relieved of a legal obligation to support his child by contributions from the presumptive spouse toward the child's support.

AMENDATORY SECTION (Amending Order 1224, filed 7/19/77)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants or with funds from other exempt sources. They may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the limits specified in WAC 388-28-430(2)(a) to the extent unexpended money from the public assistance grant is on hand within thirty days after its receipt.

(3) Allowable cash reserves may be accumulated from nonrecurrent cash lump sum sources, including the following:

(a) Income tax refunds.

(b) Inheritances.

(c) Insurance benefits.

(d) Gifts.

(e) Prizes and awards.

(f) Repayment of debts owed the recipient.

(g) Proceeds from the sale of exempt property.

(h) Social Security death benefits.

(i) Indian per capita payments generated by tribally held land or business.

(4) If a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC ~~((388-30-100))~~ 388-28-484. Make the computation as follows:

(a) Determine the amount of the lump sum and the date it is received.

(b) Determine the amount of other cash and marketable securities on hand as of the date the lump sum is received.

(c) Subtract from the amount in (b) any portion of that amount which is unexpended money from a grant received within thirty days prior to the date the lump sum is received. The remainder is the amount of the cash reserve as of the date the lump sum is received.

(d) Add the amount of the cash reserve to the amount of the lump sum. If the total exceeds the allowable limits on cash and marketable securities, the excess is newly acquired income available to meet need.

(5) Recipients may not use the following types of one-time payments to accumulate resource reserves:

(a) Earnings which are accrued over a period of time and received in one payment.

(b) Payments which represent accumulated periodic benefits. Examples are Social Security retirement and disability benefits, Railroad Retirement benefits, Unemployment Insurance benefits, and veterans' benefits.

(6) If a lump sum is placed in trust for a recipient and is not under his or her control, the following rules apply:

(a) Funds kept in trust do not affect public assistance need.

(b) The trustee may release to the recipient an amount up to the allowable cash reserves for the assistance unit less any amount of existing reserves as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.

AMENDATORY SECTION (Amending Order 917, filed 3/14/74)

WAC 388-28-500 USE OF INCOME AND INCOME POTENTIALS—COMPUTING AND ALLOCATING INCOME.

(1) Living arrangements, family relationships and categories of assistance also affect the use of income in computing financial need as provided by the rules in this section.

(2) Except as provided in this subsection the nonexempt net income of a person in his own home shall be attributed to the assistance unit of which he is a member.

(a) The total nonexempt net community income of a family having two or more eligible assistance units shall be divided equally between the assistance units unless some other division is preferred. An unequal division of the family income is not permitted if it increases the total amount of assistance (excluding medical care) to which the family would be entitled.

(b) Applicant with a nonapplying independent spouse.

(i) If all income is from community property or from community earnings other than wages, not less than one-half the total income shall be considered available to an AFDC applicant living with a nonapplying spouse.

(ii) Net income from wages or from the separate property of the nonapplying spouse shall be considered available to the applicant only to the extent it exceeds the amount of the nonapplying spouse's requirements computed according to department standards.

(iii) Wages or income from separate property of the applicant shall be considered as provided in WAC 388-28-365 and 388-28-370.

(iv) When income includes both community income and income from the separate property or from wages of the nonapplying spouse,

at least half of the community income shall be considered available to the applicant, plus any residue of the separate income or wages exceeding the amount of the requirements of the nonapplying spouse.

(v) Retirement benefits shall be treated like wages.

(vi) Income-in-kind shall be treated as community income.

(c) Exempted income shall not be used in computing the need of any assistance unit.

(d) For rules on assumptive spouse, see WAC 388-28-355.

(3) The rules in subsection (2) shall also apply to a person boarding and/or rooming in an adult family home or other nonmedical institution.

(4) When a person in medical institution is to receive an AFDC or continuing general assistance grant, family income shall be allocated first to the maintenance needs of legal dependents computed according to standards in (~~chapters 388-28 and 388-30~~) chapter 388-29 WAC and then to the maintenance needs of the individual computed according to WAC 388-34-045, 388-34-085, 388-34-110, 388-34-120 or 388-34-378.

(5) When a person in a medical institution is to receive FAMCO, income shall be allocated according to WAC 388-83-045.

(6) The income of an individual applying for medical only shall be allocated according to WAC 388-83-045.

(7) The income of a person with other living arrangements is first applied to the grant requirements of the applicant and his dependents. Any remaining income shall be allocated for medical needs.

AMENDATORY SECTION (Amending 1236, filed 8/31/77)

WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).

(2) "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.

(a) Deleted

(b) The (~~(\$30)~~) thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

(c) The (~~(\$30)~~) thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

(d) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

(3) In determining net income from a training allowance, applicable expenses in subdivisions (4)(a) through (4)(d) shall be deducted from the gross training allowance received.

(4) Personal and nonpersonal work expenses computed according to subdivisions (4)(a) through (4)(d) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

(a) Payroll deductions, required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available at the recipient's regular place of residence and practical for his use, the allowance shall be the cost for such transportation from his home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars.

(iv) When public transportation is not available or not practical for his use, a recipient who shows that he uses a car to travel to and from employment or the training facility shall be allowed mileage at the rate of eight cents per mile. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(c) Expenses of employment necessary for continued employment, such as, tools, materials, union dues, transportation to service customers if not furnished by the employer. Cost of special uniforms and laundering thereof are taken into account in subdivision (4)(d).

(d) The additional cost of clothing in the following monthly amounts

(i) Individual working — (~~(\$5-76)~~) five dollars and seventy cents monthly or the actual cost of special clothing whichever is higher. The term "special clothing" means uniforms or clothing needed on the job and not suitable for wear away from the job.

(ii) Individual enrolled in a remedial education or vocational training course — Actual cost of uniforms and/or special clothing required in training as priced by the ESSO.

(5) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement. See WAC (~~(388-28-150)~~) 388-29-150 and 388-28-155.

AMENDATORY SECTION (Amending Order 1101, filed 2/25/76)

WAC 388-28-600 DETERMINATION OF NET INCOME—IN-KIND. (1) Definitions

(a) "Supplied" as used herein means the in-kind item is furnished to the applicant or recipient without work or cost on his part.

(b) "Self-produced" means the applicant or recipient has produced the in-kind item through his own work for himself and not for others. He has not purchased it.

(c) "Earned income-in-kind" as used in this section means the in-kind item is earned by work performed for another person by the applicant such as earning rent from a landlord, etc.

(2) The value of self-produced or supplied items shall be disregarded except when:

(a) Self-produced items are sold for cash. When such a sale is made, fifty percent of the cash sale value shall be considered expenses of earning the income.

(b) The household's requirement for shelter is supplied. When the household's shelter is supplied, the basic requirements for the household shall be those indicated in WAC (~~(388-28-100(3))~~) 388-29-100(3).

(3) Earned income-in-kind items shall be evaluated in terms of their cash equivalent. Allowance shall be made for exempt earned income according to WAC 388-28-570. Remaining net income shall be applied in determining need.

AMENDATORY SECTION (Amending Order 652, filed 2/9/72)

WAC 388-33-015 PAYMENT OF GRANT—PERSONS INCLUDED. Each grant shall encompass only one assistance unit, even though there may be two or more assistance units in the same family group or household. For proper allocation of requirements and income among assistance units see WAC (~~(388-28-080)~~) 388-29-080 and 388-28-500.

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

(a) The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application — (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other

periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC ((~~388-30-100(2)(b)~~)) 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than \$1 shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

AMENDATORY SECTION (Amending Order 747, filed 12/7/72)

WAC 388-33-535 DELIVERY OF WARRANT. (1) After eligibility has been established and a grant authorized the recipient shall receive his warrant promptly without interruption until his grant is suspended or he is no longer eligible and the grant has been terminated except as provided in WAC ((~~388-30-121~~)) 388-38-270 and WAC 388-33-382.

(2) The state office shall mail the recipient's warrant directly to his address as certified by the LO except as provided in WAC 388-33-545 through 388-33-550.

AMENDATORY SECTION (Amending Order 747, filed 12/7/72)

WAC 388-33-545 DELIVERY OF WARRANT—ADDRESS UNKNOWN. (1) At the time the local office requests the warrant of a recipient whose address is unknown a letter shall be mailed to the recipient at his last known address requesting his current address according to provisions in WAC ((~~388-30-115~~)) 388-38-265.

AMENDATORY SECTION (Amending Order 747, filed 12/7/72)

WAC 388-33-550 DELIVERY IN CARE OF LOCAL OFFICE. (1) A recipient may request in writing that his warrant be mailed to him in care of the local office; his address is certified accordingly. The warrant will be delivered in an individual sealed envelope.

(2) Delivery of a warrant in care of the local office through local or state office action to redirect shall be as provided in WAC ((~~388-30-121~~)) 388-38-270.

AMENDATORY SECTION (Amending Order 651, filed 2/9/72)

WAC 388-34-095 FRATERNAL, RELIGIOUS, OR BENEVOLENT HOME. (1) Fraternal, religious or benevolent homes operate under a variety of plans with respect to the individual. Some offer free care for life, sometimes contingent upon earlier group membership. Others offer free care covering maintenance items only without specific provisions for personal items. Some require payment in advance or transfer of all property holdings; others enter into specific individual contracts. Fraternal organizations usually have only general bylaws concerning the conduct of the person in the home rather than the relationships between the home and the individual.

(2) Fraternal, religious or benevolent homes operating as nursing homes shall be subject to department standards and rules governing nursing homes.

(3) An individual in a fraternal, benevolent or charitable home which customarily provides free, partially free or prepaid care for life, shall be eligible only when and to the extent that he can establish need, including the necessity for him to make payments to the home.

(4) Assistance may be granted to an otherwise eligible individual receiving life care under a contract or agreement which specifically excludes items in the standards only to the extent required to purchase such requirements. The individual must provide evidence substantiating need for the item; for example, a copy of an individual contract with the home; specific citations to governing rules of the organization; or official statements or resolutions of the governing authority or board specifically setting forth the limitations of the individual's right to free care. A written statement signed by the proper authorities of the home

requesting and confirming the applicant's obligation to make payment, including the citation of a properly adopted statement or resolution of the governing board setting forth the limitations of the home's obligation to provide care without payment also serves as substantiating financial need.

(5) A person who voluntarily cancels a contract for life care shall not be eligible until he produces satisfactory evidence to prove that the value of the care received equaled the value of the consideration paid for the life care contract. The home's average monthly operating cost per guest, exclusive of capital outlay, depreciation, interest on investments and similar costs as agreed upon by the local office and the home, shall be used to determine whether the care received by the individual equaled the lump sum payment or value of the property he transferred to the home.

(6) See WAC 388-34-045 for costs of requirements to determine financial need of an applicant in a skilled nursing unit of a fraternal or benevolent institution.

(7) See WAC ((~~388-28-260~~)) 388-29-260 through ((~~388-28-285~~)) 388-29-270 for requirements of a person living in a fraternal or religious home on a board and room basis.

AMENDATORY SECTION (Amending Order 1044, filed 8/14/75)

WAC 388-34-125 PSYCHIATRIC HOSPITAL (JCAH APPROVED)—STANDARDS FOR REQUIREMENTS. (1) The grant requirements in a public or private psychiatric hospital shall be clothing, personal maintenance and necessary incidentals.

(2) The monthly cost standard for clothing and personal maintenance and incidentals shall be as stated in WAC ((~~388-28-136(1)~~)) 388-29-125 (see WAC 388-95-215(5)).

AMENDATORY SECTION (Amending Regulation 11.70, filed 8/29/66)

WAC 388-34-150 OTHER HOMES. (1) The standards for requirements in WAC ((~~388-28-260~~)) 388-29-260 through ((~~WAC 388-28-285~~)) 388-29-270 shall apply to an applicant or recipient in:

(a) A nursing home in another state

(b) A home subject to licensing as a nursing home by the state of Washington but lacking a state department of health license or provisional license

(c) A private nursing home licensed by the Washington department of health which is not classified by the SDPA for purposes of establishing rates of payment to needy persons.

(2) A licensed but unclassified nursing home does not use the SF 8706 to report the admission and dismissal of recipient patients. The division of medical care periodically furnishes the CO with a list of unclassified homes.

AMENDATORY SECTION (Amending Regulation 11.80, filed 1/24/64)

WAC 388-34-160 GRANT CHANGE—ADMITTANCE TO INSTITUTION OTHER THAN NURSING HOME. (1) When a recipient enters an institution other than a licensed and classified private nursing home the CO may use any payment process which the CO determines to be the most practical under the circumstances. Such payment process may consist of recomputation or suspension of the regular grant, redirection and cancellation of warrants, one-time grant, or any combination of the preceding. Medical costs, in addition to grant need, may also be taken into consideration in determining suspension or termination.

(a) Income is first applied to grant requirements. Income not utilized in meeting grant requirements shall be deemed available to meet medical needs and reported to the MCFO. If it is obvious that income exceeds grant requirements and medical needs, the regular grant is terminated. All nonexempt income must be used to meet grant and/or medical costs.

(b) See WAC 388-33-355 for policy on suspension

See WAC ((~~388-30-095~~)) 388-28-482 for policy on newly acquired income

See chapter 388-44 WAC for policy on overpayment.

(2) Supplemental assistance for general maintenance or general subsistence if needed from date of admission to effective date of regular grant change shall be authorized and paid to the recipient as a one-time grant. The funds in the recipient's possession from his regular assistance warrant for the month he enters, and/or any unused income, is considered available to meet need. See WAC 388-33-595(2)(b)(iv).

(3) When an adult recipient (OAA, DA, AB, GAU) enters an institution and there is another adult in the assistance unit, separate grants from the appropriate program shall be established for each adult. Minor children dependent on the adults shall be included in the assistance unit of the adult not in the institution.

When an assistance unit is "split" the effective date of the grant to each assistance unit shall be synchronized to avoid overpayment.

(4) If a recipient in an institution dies before receiving or being able to endorse a warrant already authorized and due him and owes for general maintenance or general subsistence, the previously authorized warrant shall be canceled and the amount due shall be paid as a vendor payment from the category in which the canceled warrant was written. (~~See Sec. 10.90.~~) See WAC 388-33-460.

The amount due shall be that portion of the cancelled warrant actually owed by the recipient less any funds the recipient has on deposit with the vendor.

AMENDATORY SECTION (Amending Order 538, filed 3/31/71)

WAC 388-42-070 FUNERAL EXPENSES—SOCIAL SECURITY DEATH BENEFIT. (1) The social security administration pays a lump sum death benefit upon the death of an insured worker. This payment is made irrespective of whether the insured worker currently received monthly benefits as a retired or disabled person and irrespective of his age. The amount of the lump sum death benefit is three times the insured worker's monthly retirement, or three times the amount he would have been eligible to receive had he been retired and applied for such monthly benefit. The amount of the lump sum varies depending on the quarters of coverage, age of the insured worker and other factors. For this reason, the exact amount due can be computed only by the SSA. The maximum lump sum death benefit is (~~(\$255)~~) two hundred fifty-five dollars.

(a) The surviving spouse "living with" the deceased at the time of death has a right to apply for and receive the lump sum death benefit without regard to payment of the funeral expenses. Separation (living apart) prior to the time of death forfeits this right except in cases of involuntary separation, for example, one person in a nursing home for a short time. The social security administration evaluates each situation before making payment to the claimant. The death benefit is paid directly to the surviving spouse "living with" the deceased at the time of death; if there is no such spouse, the department assumes responsibility for payment of the funeral expenses.

(2) Use of social security death benefit received by surviving spouse.

(a) When the surviving spouse is an applicant for or a recipient of public assistance, the receipt of the social security death benefit is considered the same as any other income and thus is a resource available to meet current living requirements of the surviving spouse and dependents.

(b) However, the surviving spouse, or surviving minor children, or parent(s) of a deceased minor child may use any of their exempt and nonexempt resources or income, except the home property, to add to any available funeral and burial resources of the deceased to pay his funeral expenses if the total cost of the funeral does not exceed the standards in WAC 388-42-150. (See WAC (~~(388-30-095(3)(g))~~) 388-28-482 for effect on eligibility of immediate survivors authorizing funeral expenses exceeding the standards in WAC 388-42-150.)

The amount the immediate survivors make available for the funeral expenses shall be entered as a resource on form 5887.

AMENDATORY SECTION (Amending Order 538, filed 3/31/71)

WAC 388-42-090 FUNERAL EXPENSES—LIFE INSURANCE. (1) A life insurance policy, and particularly burial insurance issued by a lodge or fraternal organization, may be a resource for the payment of funeral expenses. When the beneficiary of a life insurance policy is the surviving spouse, the use of the proceeds is conditioned by the rules in WAC (~~(388-30-095(3)(g))~~) 388-28-482 and 388-42-070(2).

(2) The proceeds from a burial plan contract paid or payable directly to a funeral director shall be a resource to meet funeral expenses.

(3) Funds deposited with a funeral director shall be a resource for funeral expenses.

AMENDATORY SECTION (Amending Order 1251, filed 11/10/77)

WAC 388-37-020 GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area, except that,

(a) Noncontinuing general assistance may be granted to a person who has no intent to reside in the state of Washington if he is otherwise eligible for noncontinuing general assistance and if denial of assistance to him would cause undue hardship. Assistance may be extended for a period not to exceed ninety days during a biennium. Receipt of assistance for periods of less than ninety days shall be accumulative during the biennium.

(b) The applicant's refusal to return to his place of residence shall not be grounds for denying assistance.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC (~~(388-26-200)~~) 388-28-457 through (~~(388-26-250)~~) 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) There are differences in financial need determination, property limits and requirements within the general assistance program. Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except for the earned income exemption specified in WAC 388-37-025. Specific eligibility conditions required for noncontinuing general assistance are defined in subsequent sections of this chapter.

AMENDATORY SECTION (Amending Order 1242, filed 9/23/77)

WAC 388-37-220 NONCONTINUING GENERAL ASSISTANCE—REQUIREMENTS. The standards for basic monthly requirements for a noncontinuing general assistance applicant or recipient shall be the same as the standards for AFDC and GAU as specified in chapter (~~(388-28)~~) 388-29 WAC.

AMENDATORY SECTION (Amending Order 841, filed 8/9/73)

WAC 388-37-240 NONCONTINUING GENERAL ASSISTANCE—UTILIZATION OF RESOURCES AND INCOME. Resources and income which become available to a noncontinuing general assistance recipient shall be evaluated according to WAC (~~(388-30-065)~~) 388-28-470 through (~~(388-30-100)~~) 388-28-484 to determine continuing eligibility. If the resource and other income are equal to or more than the recipient's requirements determined according to WAC 388-37-415, he shall be ineligible for further assistance.

AMENDATORY SECTION (Amending Order 1186, filed 2/3/77)

WAC 388-70-230 CHILD CARE AGENCY, INSTITUTION, OR MATERNITY HOME—SETTING RATES OF PAYMENT.

(1) The department's rates of payment for foster care provided by an approved child placing agency or institution for a dependent child, or by a maternity service for an unwed mother shall be established according to WAC 388-70-230 through 388-70-280. The rate of payment for maternity home care for a recipient of AFDC shall be as specified in WAC (~~(388-28-138)~~) 388-29-135.

(2) Each agency approved for payment shall sign an agreement for payment to voluntary child care agency. Rates of payment shall be established annually according to WAC 388-70-240 through 388-70-270 and new agreements shall be signed effective July 1 of each year except as provided in WAC 388-70-275.

(3) The rate of payment to an approved agency providing foster family care is established according to WAC 388-70-255.

(4) The standards in WAC 388-86-105 shall be the rate of payment to an approved agency for medical care provided to a dependent child or unwed mother.

(5) The rates established under this section shall constitute the full charge for foster care and services. No additional charges, fees, assessment or deposits, refundable or nonrefundable, may be required of parents and any payments by parents for foster care and services must be treated as required by WAC 388-70-082.

WSR 78-07-023

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 40—Filed June 15, 1978]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Wapato Point Inn, Manson, Washington, that it does promulgate and adopt the annexed rules relating to the integration of the policies and procedures of the State Environmental Policy Act into various programs under the jurisdiction of the Washington State Parks and Recreation Commission.

This action is taken pursuant to Notice No. WSR 78-04-089 filed with the code reviser on 4/4/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21C.120 and 43.51.040(2) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 15, 1978.

By Charles H. Odegaard
Director

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-010 AUTHORITY. This chapter is promulgated pursuant to ~~((the direction provided in))~~ RCW 43.21C.120. The adoption of guidelines by the Washington state parks and recreation commission shall not be an "action" as defined in WAC 352-10-040(2).

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-020 PURPOSE. (1) The purpose of this chapter is to establish state-wide guidelines interpreting and implementing the state environmental policy act of 1971 (SEPA) for the Washington state parks and recreation commission, hereinafter referred to as the commission.

(2) These guidelines were developed to establish methods and means of implementing SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines ~~((are))~~ do not ~~((intended to))~~ govern compliance by the commission with respect to the national environmental policy act of 1969 (NEPA). ~~((in those situations where))~~ When the commission is required by federal law or regulations to perform some element of compliance with NEPA, such agency compliance will be governed by the applicable federal statute and regulations and not by these guidelines.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-025 SCOPE AND COVERAGE OF THIS CHAPTER. (1) ~~((It is the intent of the Commission that))~~ Compliance with the guidelines of this chapter shall constitute complete procedural compliance by the commission with SEPA for any "action" as defined in WAC 352-10-040(2).

(2) The guidelines of this chapter ~~((contain no sections relating to))~~ do not cover the notice/statute of limitations provisions of RCW 43.21C.080, 43.21C.085 and 43.21C.087. To utilize these provisions, the commission shall follow the statutory language ~~((and any applicable regulations of the department of ecology)).~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-040 DEFINITIONS. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) Acting agency ~~((Acting agency))~~ means an agency with jurisdiction which has received an application for a license, or which is ~~((the initiator of a proposed))~~ proposing an action.

(2) Action ~~((Action))~~ means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). ~~((f))~~ (See ~~((the provisions of))~~ WAC 352-10-170 and 352-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and these guidelines ~~((due to the Commission's determination that such activities are minor, not "major", actions, even though such activities are within one of the subcategories below)).~~ ~~((f))~~ All actions fall within one of the following subcategories:

(a) Governmental licensing of activities involving modification of the physical environment.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not ~~((it directly modifies))~~ the environment is directly modified.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans ~~((or zoning ordinances));~~

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

~~((v))~~ (vii) road, street and highway plans.

(3) ~~((Agencies))~~ Agency with expertise~~((Agencies with expertise))~~ means ~~((those agencies to which a draft environmental impact statement shall be sent pursuant to))~~ an agency listed in WAC 352-10-465, unless ((they are)) it is also ((agencies)) an agency with jurisdiction.

(4) ~~((Agencies))~~ Agency with jurisdiction~~((Agencies with jurisdiction))~~ means ~~((those agencies))~~ an agency from which a nonexempt license is required for a proposal or any part thereof, ((or)) which will act upon an application for a grant or loan for a proposal, or ((agencies)) which ((are proposing)) proposes or ((initiating)) initiates any governmental action of a project or non-project nature. The term does not include ((those agencies)) an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific proposal((s; nor does)). The term also does not include ((agencies)) an agency, involved in approving ((grants or loans)) a grant or loan, which serves only as a conduit((s)) between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are ((instrumentalities)) agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or agencies~~((Agency or agencies mean))~~ means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean ~~((such))~~ the successor agency.

(6) Authorized public use~~((Authorized Public Use))~~ shall not be construed to have occurred unless the particular parcel of real property in question has developed facilities which have been subject to public use and/or has been specifically designated and classified for such public use without developed facilities.

(7) Commission~~((Commission))~~ means the Washington state parks and recreation commission.

(8) CEP~~((CEP))~~ means the council on environmental policy. As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the department of ecology (DOE). All reference to CEP in these guidelines should now be read to mean department of ecology.

(9) Consulted agency~~((Consulted agency))~~ means any agency with jurisdiction or with expertise which is ~~((consulted, or from which information is requested by a lead agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement))~~ requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be

considered to be a consulted agency merely because it receives a proposed declaration of nonsignificance.

(10) County/city~~((County/city))~~ means a county, city or town. ~~((For the purposes of))~~ In this chapter, duties and powers are assigned to a county, city or town as a unit~~((with)).~~ The delegation of responsibilities among the various departments of a county, city or town~~((being))~~ is left to the legislative or charter authority of the individual counties, cities or towns.

(11) Declaration of nonsignificance~~((Declaration of non-significance))~~ means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. The form provided in WAC 352-10-355 shall be used for this declaration.

(12) Declaration of significance~~((Declaration of significance))~~ means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. The form in WAC 352-10-355 shall be used for this declaration.

(13) Draft EIS~~((Draft EIS))~~ means an environmental impact statement prepared prior to the final detailed statement.

(14) EIS~~((EIS))~~ means the detailed statement required by RCW 43.21C.030(2)(c). ~~((It))~~ This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(15) Environment~~((Environment))~~ means, and is limited to, those areas listed in WAC 352-10-444.

(16) Environmental checklist~~((Environmental checklist))~~ means the form contained in WAC 352-10-365.

(17) Environmental document~~((Environmental document))~~ means every written public document prepared or utilized as a result of the requirements of this chapter.

(18) Environmentally sensitive area~~((Environmentally sensitive area))~~ means an area designated and mapped by a county/city pursuant to WAC 352-10-177~~((and within which))~~. Certain categorical exemptions do not apply within environmentally sensitive areas.

(19) Final EIS~~((Final EIS))~~ means an environmental impact statement prepared to reflect comments to the draft EIS. It may ~~((consist of))~~ be a new document, or~~((of))~~ the draft EIS ~~((together with supplementary))~~ supplemented by material prepared pursuant to WAC 352-10-570, 352-10-580 or 352-10-695.

(20) Lands covered by water~~((Lands covered by water))~~ means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(21) Lead agency~~((Lead agency))~~ means the agency designated by ~~((the provisions of))~~ WAC 352-10-200 through 352-10-270 or 352-10-345~~((which)).~~ The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(22) License(~~(-License)~~) means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license (~~(thus)~~) includes (~~(the whole)~~) all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project(~~(;)~~). The term does not include a license required solely for revenue purposes (~~(is not included)~~).

(23) Licensing(~~(-Licensing)~~) means the agency process in granting, renewing or modifying a license.

(24) List of elements of the environment(~~(-List of elements of the environment)~~) means the list (~~(contained)~~) in WAC 352-10-444 which must be attached to every environmental impact statement.

(25) Local agency(~~(-Local agency)~~) means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(26) Major action(~~(-Major action)~~) means any "action" as defined in this section which is not exempted by WAC 352-10-170 and 352-10-180.

(27) Nonproject EIS(~~(-Non-project EIS)~~) means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(28) Physical environment(~~(-Physical environment)~~) means, and is limited to, those elements of the environment listed under "physical environment" in WAC 352-10-444(2).

(29) Private applicant(~~(-Private applicant)~~) means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) Private project(~~(-Private project)~~) means any proposal (~~(for which the primary initiator or sponsor is)~~) primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(31) Proposal(~~(-Proposal)~~) means a specific request to undertake any activity submitted to, and (~~(which is)~~) seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. (~~(Further definition of)~~) The scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is (~~(contained)~~) further defined in WAC 352-10-060.

(32) Responsible official(~~(-Responsible official)~~) means that officer or officers, committee, department or section of the lead agency designated by the lead agency's guidelines to undertake its responsibilities as lead agency (~~(f)~~)(see WAC 352-10-820(~~(f)~~)).

(33) SEPA(~~(-SEPA)~~) means the state environmental policy act of 1971, chapter 43.21C RCW, as amended.

(34) State agency(~~(-State Agency)~~) means any state board, commission or department, except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(35) Threshold determination(~~(-Threshold determination)~~) means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM. A form is provided in WAC 352-10-365 for an environmental checklist to be initially completed by an action proponent, whether public or private(~~(;)~~). This may be done either alone or together with the lead agency, but is usually done in conjunction with a license application. This form must be used in the threshold determination; it will also be helpful in making the lead agency designation and in predraft consultation. However, where there is an agreement between the proponent (~~(of a nonexempt action (whether a private applicant or an agency which is not the lead agency))~~) and the lead agency that an EIS is required, the completion of the environmental checklist is unnecessary. (~~(Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required.)~~)

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-055 TIMING OF THE EIS PROCESS. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the commission commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. All decisions on SEPA applicability and degree or severity of impact will be made on a case by case basis. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision-making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) (~~(When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a nonproject nature, and the proponent of the major action is also the lead agency, then)~~) The maximum time limits contained in these guidelines for the threshold determination and EIS process (~~(need)~~) do not apply to (~~(the)~~) a proposal for a governmental action when the proponent of the action is also the lead agency.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF

LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. (1) The proposal considered by an acting agency during the lead agency determination procedure, and by the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) (~~of this section applies~~) of this section applies. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) (~~of this section applies~~) of this section applies.

(2) The total proposal is the proposed action, together with all proposed activity (~~which is~~) functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates or is necessary to operation of the present proposal (~~or is necessary thereto~~); or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the lead agency. The fact that future (~~impacts~~) parts of a proposal will require future governmental approvals shall not be a bar to their present consideration, so long as the plans for those future (~~elements~~) parts are (~~sufficiently~~) specific enough to allow some evaluation of their potential environmental impacts. Acting agencies and lead agencies should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to (~~consideration of~~) impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between (~~such~~) this development and one or more of the governmental decisions necessary for the proposal in question.

(4) (~~Proposals~~) The lead agency may divide proposals involving extensive future actions (~~may be divided, at the option of the lead agency~~) into segments, with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for those future segments. The segmentation allowed by this subsection shall not be (~~applied~~) used at the threshold determination stage to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied (~~so as~~) to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed

action is related to a large existing or planned network, the lead agency may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network (~~itself~~), and shall not be made merely to divide a larger system into exempted fragments.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these guidelines where the commission is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

~~(The responsible official may determine that any information supplied by a private applicant is insufficient and require) Further information(;) may be required if ((in the judgment of)) the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may ((choose to)) voluntarily submit, at any time, information beyond that which may be required under these guidelines.~~

(2) Environmental Checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 352-10-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The commission may not require a complete assessment or "mini-EIS" at this stage. ((f)) (See WAC 352-10-310((f))).

(3) Threshold Determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. ~~((If, and only if, the lead agency determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal)) After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. ((f)) (See WAC 352-10-330((f))).~~

(4) Draft and Final EIS Preparation. An EIS may be prepared by the applicant under the direction of the responsible official. ((f)) (See WAC 352-10-420((f))). Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the

subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS. (1) The only actions exempt from the threshold determination requirements of this chapter are those which are categorically exempted in WAC 352-10-170 and 352-10-180. Except to specify emergencies as allowed in WAC 352-10-180, the commission shall ((add)) create additional exemptions in these guidelines only after obtaining approval of CEP or its successor agency in accordance with either subsection (2) or (3) of this section.

(2) The commission may petition CEP, pursuant to RCW 34.04.060, ((for adoption of)) to adopt additional exemptions or ((for deletion of)) to delete existing exemptions through amendments to these guidelines. Such petition shall set forth the language of the amendment requested, the reasons for the requested amendment, the commission's views on the impacts to the environment resulting from the activities covered by the proposed amendment, and the approximate number of actions within any stated time period of the ((class)) type proposed for exemption or deletion which come before the agency. CEP shall consider and make a determination upon any such petition within thirty days of receipt ((; and)). If the determination is favorable, ((staff)) CEP will initiate the rule-making procedures of chapter 34.04 RCW, to amend these guidelines. Amendments to these guidelines will apply either generally or to specified classes of agencies. The commission shall amend these guidelines accordingly after the amendments to the CEP guidelines become effective.

(3) The commission may also petition CEP for an immediate ruling upon any request to add or delete an exemption. If such a petition is granted, CEP will ((so)) notify the commission, which may immediately thereafter include the modification approved by CEP in its own guidelines. CEP may thereafter initiate procedures to amend ((these)) the state guidelines to incorporate the approved modification. Until the CEP guidelines are amended, any modification granted under this subsection shall apply only to the commission.

(4) CEP will provide public notice of all proposed amendments to ((these)) the state guidelines in the manner required by the Washington Administrative Procedures Act (chapter 34.04. RCW). A copy of all CEP approvals under subsection (3) of this section will be given to all persons who have made request to CEP for advance notice of its rule-making proceedings.

(5) This section shall not be construed to limit the right of any interested person to petition CEP for the promulgation, amendment or repeal of any rule, including rules establishing categorical exemptions, in accordance with RCW 34.04.060.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-170 CATEGORICAL EXEMPTIONS. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these guidelines:

(1) Minor new construction. The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all ((governmental)) licenses required to undertake the construction in question, except when a rezone((s)) or any license governing emissions to the air or water is required:

(a) The construction or location of any residential structure of four dwelling units or less.

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feedlots.

(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of total floor area, and with associated parking facilities designed for twenty automobiles or less.

(d) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(e) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(f) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade separated crossings), grooving, glare screen, safety barriers, energy attenuators, ((highway)) transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including ((minor)) adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrians walks and paths, but not including additional automobile lanes.

(g) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(h) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(i) The construction of a parking lot designed for twenty automobiles or less.

(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under (~~chapter 200, Laws of 1975 ex. sess.,~~) RCW 76.09.050 or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(k) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(l) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(m) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(n) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) Water rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pump-house reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(3) Judicial activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of the commission if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by the commission of either private or public property for any purpose.

(c) (~~(Fire department, police patrol and traffic law enforcement)~~) All activities of fire departments and law enforcement agencies except ((where such involves any)) physical construction activity.

(d) Any action undertaken by the commission to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety (~~(- PROVIDED, That no open burning shall be exempted under this subsection, nor shall)~~). The application of ((any pesticide or chemical)) pesticides or chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license ((shall be considered exempt by virtue of this subsection, nor shall the)) or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) (~~(Licenses for solicitation or door-to-door sales, private security and detective services, and taxicabs and other vehicles for hire: PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.)~~) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) (~~(Licenses for close-out sales:)~~) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) (~~(Licenses for food or drink services, sales and distribution:)~~) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: PROVIDED,

That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) ~~((Licenses for the sale or display of fireworks.))~~ All licenses for food and drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure ~~((that was either exempted under this chapter, or the subject of a declaration of nonsignificance or an EIS, so long as no material changes have occurred since the determination of exemption, or completion of the prior declaration or EIS)).~~

(6) Activities of the legislature. All actions of the state legislature are hereby exempted: PROVIDED, That this subsection shall not be construed to exempt the proposing of legislation by any agency.

(7) Activities of the commission. The following administrative, fiscal and personnel activities of the commission and other agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services ~~((previously))~~ authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: PROVIDED, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs: PROVIDED, That construction or real property transactions or the adoption of any policy plan or program for such construction or real property transaction shall not be considered exempt under this subsection.

(8) Review and comment actions. Any activity where the responsible official of the commission reviews or comments upon the actions of another agency or another division within the commission shall be exempt.

(9) Purchase or sale of real property. The following real property transactions by the commission and other agencies shall be exempt:

(a) The purchase or acquisition of any right to real property ~~((by the Commission)).~~

(b) The sale, transfer or exchange of any publicly owned real property ~~((by the Commission to or with a private individual or governmental entity)),~~ but only if the property is not subject to an authorized public use. ~~((f))~~ (See WAC 352-10-040(6)(f)).

(c) The lease of real property ~~((by an agency to a private individual or entity, or to an agency or federal agency, only))~~ when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(10) Minor land use decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivision or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classification of land for current use taxation pursuant to chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(11) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

~~((f))~~ (12) Acceptance of filings. The acceptance by the commission of any document or thing required or authorized by law to be filed with the commission and for which the commission has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(13) Variances under clean air act. The granting of variances pursuant to RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(14) Open burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(15) Water quality certifications. The granting or denial of water quality certifications pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 USC section 1341) shall be exempt.

~~((f2))~~ (16) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

~~((f3))~~ (17) Information collection and research. Proposals for basic data collection, research, resource

evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any action which commits the commission to proceed with the proposal.

~~((+4))~~ (18) Utilities. The utility-related actions listed below shall be exempt: PROVIDED, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, ~~((together with))~~ repair, replacement, maintenance, operation or alteration ~~((by the Commission or private entity))~~ which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: PROVIDED, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or ~~((highway))~~ transportation right of way in its design condition: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of franchises by the commission to utilities.

(h) All disposals of rights of way by utilities.

(i) All grants of rights of way by the commission to utilities for use for distribution (as opposed to transmission) purposes.

~~((+5))~~ (19) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III and IV forest practices as defined by ~~((chapter 200, Laws of 1975 ex. sess.))~~ RCW 76.09.050, or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(j) Issuance of rights of way, easements and use permits to use existing public roads in nonresidential areas.

~~((+6))~~ (20) Nonactions. Proposals for activities which are not "actions" as defined in WAC 352-10-040(2) are not subject to the threshold determination and EIS requirements of this chapter.

(21) Building codes. The adoption by ordinance of all codes as required by the state building code act (RCW 19.27.030).

(22) Adoption of noise ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology pursuant to chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology pursuant to RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

NEW SECTION

WAC 352-10-175 EXEMPTIONS AND NON-EXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES. (1) The exemptions in this section relate only to the specific activities identified within the named agencies. The exemptions of this section are in addition to the general exemptions of WAC 352-10-170 and 352-10-180 which apply to all agencies, including those named in this section, unless the general exemptions are specifically made inapplicable by this section.

(2) Department of licensing. All licenses required under programs administered by the department of licensing as of December 12, 1975 are exempted, except the following, which, notwithstanding WAC 352-10-170, shall not be considered exempt:

(a) Camping club promotional permits required by chapter 19.105 RCW.

(b) Motor vehicle wrecker licenses required by chapter 46.80 RCW.

WAC 352-10-170(5)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

(3) Department of labor and industries. All licenses required under programs administered by the department of labor and industries as of December 12, 1975 are exempted, except the issuance of any license for the manufacture of explosives or the adoption or amendment by the department of any regulations incorporating general standards respecting the issuance of licenses authorizing the storage of explosives pursuant to chapter 70.74 RCW. The adoption of any industrial health or safety regulations containing noise standards shall be considered a major action under this chapter.

(4) Department of natural resources. The following actions and licenses of the department of natural resources are exempted:

(a) Forest closures, shutdowns and permit suspensions due to extreme or unusual fire hazards.

(b) Operating permits to use power equipment on forest land.

(c) Permits to use fuse on forest land.

(d) Log patrol licenses.

(e) Permits for drilling for which no public hearing is required pursuant to RCW 79.76.070 (geothermal test drilling).

(f) Permits for the dumping of forest debris and wood waste in forested areas.

(g) All timber sales.

(h) Leases for mineral prospecting pursuant to RCW 79.01.616, or 79.01.652, but not including issuance of subsequent contracts for mining.

(5) Department of fisheries. The following activities of the department of fisheries are exempted:

(a) The establishment of seasons, catch limits or geographical areas for fishing or shellfish removal.

(b) All hydraulic project approvals (RCW 75.20.100) for activity incidental to a class I, II, III and IV forest practice as defined in RCW 76.09.050, and regulations adopted thereunder (except those forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation); and hydraulic project approvals for removal of streambed materials where the cost or fair market value of the total project is one thousand dollars or less, and other hydraulic project approvals where the cost of the total proposal is five thousand dollars or less except for proposals involving realignment into a new channel.

(c) All clam farm licenses and oyster farm licenses, except where cultural practices include structures occupying the water column or where a hatchery or other physical facility is proposed for construction on adjoining uplands.

(d) All other licenses (other than those excepted in (b) and (c) above) authorized to be issued by the department as of December 12, 1975 except the following, which, notwithstanding WAC 352-10-170, shall not be considered exempt:

(i) fish farming licenses, or other licenses allowing the cultivation of aquatic animals for commercial purposes;

(ii) licenses for the mechanical and/or hydraulic removal of clams, including geoducks; and,

(iii) any license authorizing the discharge of explosives in water.

WAC 352-10-170(5)(i) shall apply to allow possible exemption of renewals of the above licenses.

(6) Department of game. The following activities of the department of game are exempted:

(a) The establishment of hunting, trapping or fishing seasons, bag or catch limits, and geographical areas where such activities are permitted.

(b) The issuance of falconry permits.

(c) The issuance of all hunting or fishing licenses, permits or tags.

(d) Artificial game feeding.

(e) The issuance of scientific collector permits.

(f) All hydraulic project approvals (RCW 75.20.100) for activity incidental to a class I, II, III or IV forest practice as defined in RCW 76.09.050, and regulations adopted thereunder (except those forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation); and hydraulic project approvals for removal of streambed materials where the cost or fair market value of the total project is one thousand dollars or less, and other hydraulic project approvals where the cost of the total proposal is five thousand dollars or less except for proposals involving realignment into a new channel.

(7) Department of social and health services. All actions under programs administered by the department of social and health services as of December 12, 1975 are exempted, except the following, which, notwithstanding WAC 352-10-170, shall not be exempt:

(a) The adoption or amendment by the department of any regulations incorporating general standards for issuance of licenses authorizing the possession, use and transfer of radioactive source material pursuant to RCW 70.98.080: PROVIDED, That the issuance, revocation or suspension of individual licenses thereto shall be exempt. However, licenses to operate low level waste burial facilities or licenses to operate or expand beyond design capacity, mineral processing facilities, or their tailings areas, whose products, or by-products, have concentrations of naturally-occurring radioactive materials in excess of exempt concentrations, as specified in WAC 402-20-250 shall not be exempt.

(b) The approval of a comprehensive plan for public water supply systems servicing one thousand or more units pursuant to WAC 248-54-280.

(c) The approval of engineering reports or plans and specifications pursuant to WAC 248-54-590 and 248-54-600, for all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet located in new rights of way and major extensions to existing water distribution systems.

(d) The approval of an application for a certificate of need pursuant to RCW 70.38.120 for construction of a new hospital or medical facility or for major additions to existing service capacity of such institutions.

(e) The approval of an application for any system of sewerage and/or water general plan or amendments thereto pursuant to RCW 36.94.100.

(f) The approval of any plans and specifications for new sewage treatment works or major extensions to existing sewer treatment works submitted to the department pursuant to WAC 248-92-040.

(g) The construction of any building, facility or other installation not exempt by WAC 352-10-170 for the purpose of housing department personnel, or fulfilling statutorily directed or authorized functions (e.g., prisons).

(h) The approval of any final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-015 or construction of an alcoholism treatment center pursuant to WAC 248-22-510.

(8) Department of agriculture. All actions under programs administered by the department of agriculture as of December 12, 1975 are exempted, except for the following, which, notwithstanding the provisions of WAC 352-10-170, shall not be considered exempt:

(a) The approval of any application for a commercial registered feedlot pursuant to RCW 16.58.040 or chapters 16-28 and 16-30 WAC.

(b) The issuance or amendment of any regulation respecting restricted-use pesticides pursuant to chapter 15.58 RCW, that would have the effect of allowing the use of a previously prohibited use pesticide.

(c) The removal of any pesticide from the list of restricted-use pesticides established in WAC 16-228-155 so as to permit sale of such pesticides to home and garden users.

(d) The removal of any pesticide from the list of highly toxic and restricted-use pesticides established pursuant to WAC 16-228-165 so as to authorize sale of such pesticides to persons not holding an annual user permit, an applicator certificate, or an applicator operator license.

(e) The removal of any pesticide from the category of highly toxic pesticide formulations established in WAC 16-228-010 so as to permit the sale of such pesticides by persons not possessing a pesticide dealer's license.

(f) The approval of any use of the pesticide DDT or DDD.

(g) The issuance of a license to operate a public livestock market pursuant to RCW 16.65.030.

(h) The provisions of WAC 352-10-170(5)(i) shall apply to allow possible exemption of renewals of the licenses in (a) through (g) above.

(9) Department of ecology. The following activities of the department of ecology shall be exempt:

(a) The issuance, reissuance or modification of any waste discharge permit which contains conditions no less stringent than federal effluent limitations and state rules and regulations. This exemption shall apply to existing discharges only and shall not apply to any new source discharges.

(b) Review of comprehensive solid waste management plans pursuant to RCW 70.95.100 and 70.95.110.

(10) Department of transportation. The following activities of the department of transportation shall be exempt:

(a) Approval of the annual highway safety work program involving the highway-related safety standards pursuant to 23 USC section 402;

(b) Issuance of road approach permits and right of way rental agreements;

(c) Establishment and changing of speed limits of fifty-five miles per hour or less;

(d) Revisions of existing access control involving a single property owner;

(e) Issuance of a "Motorist Information Signing Permit," granting a private business person the privilege of having a sign on highway right of way which informs the public of the availability of his or her services;

(f) Issuance of permits for special units relative to state highways;

(g) Issuance of permits for the movement of over-legal size and weight vehicles on state highways;

(h) Issuance of encroachment permits for road approaches, fences and landfills on highway right of way; and,

(i) Issuance of permits for utility occupancy of highway rights of way for use for distribution (as opposed to transmission).

(11) Utilities and transportation. All actions of the utilities and transportation commission under programs administered as of December 12, 1975 are exempted, except the following, which, notwithstanding WAC 352-10-170, shall not be considered exempt:

(a) Issuance of common carrier motor freight authority under chapter 81.80 RCW, which would authorize a new service, or extend an existing transportation service in the fields of general freight (other than local cartage), petroleum and petroleum products in bulk in tank type vehicles, radioactive substances, explosives or corrosives;

(b) Authorization of the opening or closing of any highway-railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;

(c) Regulation of oil and gas pipelines pursuant to chapter 81.88 RCW; and,

(d) The approval of utility and transportation rates where the funds realized as a result of such approved rates will or are intended to finance construction of a project, approval of which would not be otherwise exempt under WAC 352-10-170, and where at the time of such rate approval no responsible official of any state or federal agency has conducted the environmental analysis prescribed by this chapter or the appropriate provisions of NEPA, whichever is applicable.

(12) Department of commerce and economic development. The following activities of the department of commerce and economic development shall be exempt:

(a) The provision of business consulting and advisory services which shall include tourist promotion as authorized by RCW 43.31.050.

(b) The promotion and development of foreign trade as authorized by RCW 43.31.370.

(c) The furnishing of technical and information services as authorized by RCW 43.31.060.

(d) The provision of technical assistance to applicants for grants and aid and/or loans and for tax deferrals by the Economic Assistance Authority pursuant to the provisions of chapter 43.31A RCW.

(e) The conduct of research and economic analysis as authorized by RCW 43.31.070 including the provision of consulting and advisory services and recommendations to state and local officials, agencies and governmental bodies as authorized under the provisions of RCW 43.31.160, 43.31.200, and 43.31.210.

(13) Other agencies. Except for building construction (the majority of which is undertaken through the department of general administration), all activities of the following state agencies under programs they administer as of December 12, 1975 are exempted:

- (a) Office of the attorney general.
- (b) Office of the auditor.
- (c) Department of employment security.
- (d) Office of the insurance commissioner and state fire marshal.
- (e) Department of personnel.
- (f) Department of printing.
- (g) Department of revenue.
- (h) Office of the secretary of state.
- (i) Office of the treasurer.
- (j) Arts commission.
- (k) Washington state patrol.
- (l) Interagency committee for outdoor recreation.
- (m) Department of emergency services.
- (n) Department of general administration, division of banking and division of savings and loan associations.
- (o) Forest practices appeals board.
- (p) Public employees' retirement system.
- (q) Law enforcement officers' and fire fighters' retirement board.
- (r) Volunteer fireman's retirement system board.
- (s) State department of retirement systems.
- (t) Teachers' retirement system board.
- (u) Higher education personnel board.
- (v) Commission for vocational education.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-177 ENVIRONMENTALLY SENSITIVE AREAS. (1) Each county/city may at its option designate areas within its jurisdiction which are environmentally sensitive areas. Environmentally sensitive areas shall be those within which the exemptions listed in subsection (2) hereof could have a significant adverse environmental impact, including, but not limited to, areas with unstable soils, steep slopes, unusual or unique flora or fauna, or areas which lie within flood plains. The location and extent of all environmentally sensitive areas shall be clearly indicated on a map which shall be adopted by reference as part of the SEPA guidelines of the county/city.

(2) Each county/city which adopts and maps environmentally sensitive areas may select certain categorical exemptions which do not apply within various environmentally sensitive areas. The selection of exemptions that will not apply may be made from the following list: WAC 352-10-170(1)(a) through (f) and (i) through

(n); (5)(c), (9)(a) through (c); (10)(a); (18)(a) through (d), (f) and (i); and, (19)(d), (f) ~~((and))~~, (h), and (i). All other categorical exemptions apply whether or not the proposal will be located within an environmentally sensitive area. Exemptions selected by an agency ~~((to))~~ which do not apply within the various environmentally sensitive areas shall be listed within the SEPA guidelines of any county/city adopting such areas.

(3) Major actions which will be located within environmentally sensitive areas are to be treated no differently than other major actions under this chapter. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-180 EXEMPTION FOR EMERGENCY ACTIONS. Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt ~~((from the procedural requirements of this chapter))~~.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS. (1) Those activities excluded from the definition of "action" in WAC 352-10-040(2), or categorically exempted by WAC 352-10-170, 352-10-175, and 352-10-180, are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and (2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

~~((3))~~ For these proposals ~~((in (2) above))~~, exempt ~~((activities or))~~ actions may be undertaken prior to the threshold determination ~~((, subject to the timing considerations in WAC 352-10-055))~~. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the lead agency irreversibly committing itself to adopt or approve the proposal.

~~((4))~~ (3) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. The

determination that a proposal is not exempt because of this subsection shall be made only by the lead agency for that proposal.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-203 DETERMINATION OF LEAD AGENCY—PROCEDURES. (1) The first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, shall determine the lead agency for that proposal. ~~((To ensure that the lead agency is determined early;))~~ The commission shall determine the lead agency for all proposals for a major action received by the commission, unless the lead agency has been previously determined, or the commission is aware that another agency is ~~((in the process of))~~ determining the lead agency. The lead agency shall be determined by using the criteria in WAC 352-10-205 through 352-10-245.

(2) If the acting agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 352-10-260.

(3) If the acting agency determines that it is the lead agency, it shall immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The acting agency shall then proceed, as the lead agency, to the threshold determination procedure of WAC 352-10-300 through 352-10-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 352-10-260.

(4) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, an acting agency must determine to the best of its ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the environmental coordination procedures act of 1973 (ECPA).

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS. The Washington state parks and recreation commission shall be the lead agency for all proposals initiated by the

commission: EXCEPT in the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will ~~((assume the status of))~~ be the lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY. For proposals for private projects which require nonexempt licenses from more than one agency when at least one of the agencies requiring such a license is a county/city, the lead agency shall be the nonexempt county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY. (1) For private projects which require licenses from more than one state agency, but require no license from a county/city, the lead agency shall be one of the state agencies requiring a license, based upon the following order of priority:

- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Utilities and transportation commission.
- (g) Department of ~~((motor vehicles))~~ licensing.
- (h) Department of labor and industries.

(2) ~~((For private projects requiring a license from more than one state agency, but requiring no license from a county/city, and))~~ When none of the state agencies requiring a license is on the above list, the lead agency shall be the licensing agency which has the largest biennial appropriation.

(3) When, due to the provision of subsection (1) of this section, an agency would be the lead agency solely because of its involvement in a program jointly administered with another agency, the other agency shall be designated the lead agency for proposals for which it is primarily responsible under agreements previously made between the two agencies for joint operation of the program.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS. Notwithstanding

the lead agency designation criteria contained in WAC 352-10-205 through 352-10-225, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to ~~((thermal power plants))~~ energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the ~~((thermal power plant))~~ energy facility site evaluation council (EFSEC): PROVIDED, That for any public project requiring such certification and for which the study authorized by RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the utilization of geothermal resources subject to chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee pursuant to chapter 78.52 RCW, the lead agency shall be the department of natural resources, except that for projects subject to RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be the department of natural resources: PROVIDED, That for any proposal which will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question: PROVIDED, That this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the environmental coordination procedures act of 1973 (ECPA), chapter 90.62 RCW, the ~~((lead agency shall be determined by the department of ecology, except that when county/city licenses are applied for prior to filing the ECPA application, a))~~ lead agency shall be determined pursuant to the standards of these guidelines ((prior to granting such county/city licenses)).

(7) For private projects which require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. section 1342), for a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(8) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure, the lead agency shall be the department of ecology.

~~((8))~~ (9) For proposals that will result in an impoundment of water with a water surface in excess of

forty acres, the lead agency shall be the department of ecology.

(10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand barrels per day or more not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(12) For proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent or more of design capacity, the lead agency shall be the department of ecology.

(13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas, generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the department of social and health services.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY. For any proposal for a private project where a city or town with a population of under five thousand or a county of fifth through ninth class would be the lead agency pursuant to ~~((the designation criteria of))~~ WAC 352-10-210 through 352-10-230, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in WAC 352-10-225. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-240 AGREEMENTS AS TO LEAD AGENCY STATUS. ~~((Nothing herein shall prohibit the Commission from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction.))~~ Any agency may assume lead agency if all agencies with jurisdiction agree.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP. (1) In the event that the agencies with jurisdiction are unable to determine which agency is the lead

agency under these guidelines, any agency with jurisdiction may petition CEP for ~~((such))~~ a determination. ~~((Such))~~ The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. ~~((Any such))~~ The petition shall be filed with CEP within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any private applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with CEP a written response to the petition within ten days of the date of the initial filing.

(2) Within fifteen days of receipt of a petition, CEP shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. CEP shall make its determination in accordance with these guidelines~~((; or))~~. In the event the guidelines do not control, the lead agency shall be the agency whose action, license, or licenses will have the greatest effect on the environment.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-300 THRESHOLD DETERMINATION REQUIREMENT. (1) Except as provided in subsection (2) hereof, a threshold determination shall be made for every proposal for a major action. The responsible official designated by the lead agency shall be responsible for making the threshold determination. ~~((Only the lead agency shall make a threshold determination, except when lead agency duties are shared or assumed pursuant to WAC 352-10-245 and 352-10-345, respectively.))~~

(2) The threshold determination requirement ~~((of completion of an environmental checklist))~~ may be omitted~~((; unless pre-draft consultation occurs,))~~ when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The sponsor of the proposal and the lead agency are the same entity and decide that an EIS is required.

(3) ~~((When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 352-10-305 through 352-10-390 may be disregarded.))~~ When the threshold determination is omitted, no environmental checklist is required unless a private applicant requests predraft consultation pursuant to WAC 352-10-410.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION. In most cases the time required to complete a threshold determination should not exceed fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time

required will vary, depending upon the nature of the proposal and the information required. When a ~~((threshold determination is expected to require more than fifteen days to complete and a))~~ private applicant requests notification of the date when a threshold determination will be made, the lead agency shall ~~((transmit to))~~ so notify the private applicant ~~((a written statement as to the expected date of decision))~~ in writing.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST. (1) An environmental checklist substantially in the form provided in WAC 352-10-365 shall be completed for any proposed major action before making the threshold determination. ~~((The proposal's proponent shall complete the checklist either alone or together with the lead agency. Explanations of))~~ Every "yes" and "maybe" answer on the checklist shall be ~~((provided; and))~~ explained. Persons completing the checklist may ~~((provide explanations of))~~ also explain "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) ~~((An environmental checklist may be required by an acting agency receiving an application for a major action, or (if one has not been previously completed) shall be required by the lead agency prior to making the threshold determination.))~~

(3) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 352-10-170, 352-10-175 and 352-10-180.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST. ~~((+))~~ The lead agency shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the lead agency shall independently evaluate each item on the checklist and indicate ~~((thereon))~~ the results of this evaluation.

~~((2))~~ After completing the initial review of the environmental checklist, the lead agency shall apply the criteria of WAC 352-10-060 and 352-10-360 to the checklist as evaluated by the lead agency. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment, in which case, the lead agency shall initiate the negative threshold determination procedures of WAC 352-10-340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment, in which case the lead agency shall initiate the EIS preparation procedures of WAC 352-10-350 and 352-10-400 through 352-10-695; or,

~~(c) There is not sufficient information available to the lead agency to enable it to reasonably make a determination of the environmental significance of the proposal; in which case the lead agency shall implement one or more of the information gathering mechanisms in WAC 352-10-330.)~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST. (1) The threshold determination by the lead agency must be based upon information reasonably sufficient to determine the environmental impact of a proposal. ~~((In the event that))~~ If, after its initial review of the environmental checklist, the lead agency determines the information available to it is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information shall be limited to ~~((those categories))~~ the subjects on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The lead agency may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The lead agency may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Consulted agencies ((so consulted)) shall respond in accordance with ((the requirements of)) WAC 352-10-500 through 352-10-540.

(2) ~~When((, during the course of collecting further information on a proposal,))~~ the lead agency obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall immediately make the threshold determination ~~((utilizing the criteria of WAC 352-10-360 and 352-10-365)).~~ In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS. (1) In the event the lead agency determines a proposal will not have a significant adverse impact on the quality of the environment, it shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 352-10-355.

(2) The lead agency shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) below.

(3) A lead agency making a threshold determination of nonsignificance for any of the following proposals shall prepare a proposed declaration of nonsignificance, and comply with the requirements of subsection (4) through ~~((6))~~ (7) below prior to taking any further action on the proposal:

(a) ~~Proposals ((for which there is))~~ which have another agency with jurisdiction, except that the commission may specify situations in which written concurrence may be obtained from the other agency or agencies with jurisdiction and the proposed declaration of nonsignificance omitted and a final declaration of nonsignificance issued.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 352-10-170(1)(n) or 352-10-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 352-10-170 or 352-10-180.

(4) The lead agency shall ~~((list))~~ issue all proposed declarations of nonsignificance ((in the "Proposed Declaration of NonSignificance Register" at its SEPA public information center. All such declarations shall be attached to the environmental checklist as evaluated by the lead agency and transmitted)) by sending the proposed declaration and environmental checklist to ((any)) other agencies with jurisdiction ((and to the SEPA public information center of the lead agency)).

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the lead agency within fifteen days from the date of its ~~((listing in the register))~~ issuance. The lead agency shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of ((its listing in the register)) issuance. If comments are received, the lead agency shall reconsider its proposed declaration ((in light thereof)); however, the lead agency is not required to modify its proposed declaration of nonsignificance to reflect the comments received ((thereon)).

(6) After the fifteen day time period ~~((has elapsed)),~~ and after considering any comments, the lead agency shall ~~((either))~~ adopt its proposed declaration as a "Final Declaration of Nonsignificance," ((or)) determine that the proposal is significant, or utilize the additional information gathering mechanisms of WAC 352-10-330(1).

(7) When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the department of ecology headquarters office in Olympia. The department of ecology shall list it on the "SEPA register" as specified in WAC 352-10-830. This subsection shall not apply to proposed declarations of nonsignificance, to final declarations of nonsignificance issued in accordance with WAC 352-10-340(2) or to final declarations of nonsignificance made under the "agreement with other agency" provision of WAC 352-10-340(3)(a). Checklists need not be sent.

(8) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements

of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 352-10-345.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PRE-REQUISITES, EFFECT AND FORM OF NOTICE. (1) ~~((Notwithstanding the lead agency determination criteria of WAC 352-10-200 through 352-10-260;))~~ An agency with jurisdiction over a proposal, upon review of a proposed declaration of nonsignificance, may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." ~~((Such form of))~~ This notice shall be substantially similar to that described in subsection (4) below. Assumption of lead agency status~~((; if it is to occur;))~~ shall take place only within fifteen days of ~~((the listing of the proposal in the "Proposed Declaration of Non-Significance Register"))~~ issuance of the proposed declaration of nonsignificance (as provided for in WAC 352-10-340).

~~((An agency with jurisdiction over a proposal, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding))~~ The affirmative threshold determination by the new lead agency shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the first lead agency and any other information possessed by the new lead agency ~~((with jurisdiction))~~ relative to the matters contained in the environmental checklist.

(3) As a result of ~~((the transmittal of))~~ transmitting a completed form of the notice contained in subsection (4) below and attached declaration of significance, the consulted agency with jurisdiction shall become the "new" lead agency and shall ~~((begin preparation of))~~ expeditiously prepare a draft and a final EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal
Proponent
Location of Proposal
Initial Lead Agency
New Lead Agency

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated A review of the information relative to the environmental checklist has

been made by the new lead agency and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official

Position/Title

Address/Phone

Date Signature

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. ~~((A copy of the notice shall be retained in the new lead agency's SEPA public information center;))~~

(6) Agencies with jurisdiction may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. No agency shall be deemed to have assumed lead agency status ~~((pursuant to this section))~~ unless a notice substantially in the form of subsection (4) hereof is completed and transmitted by that agency. The decision of any agency with jurisdiction to not assume lead agency status pursuant to this section shall create no new legal obligation upon that agency.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-350 AFFIRMATIVE THRESHOLD DETERMINATION. (1) In the event the lead agency determines that the proposal will have a significant adverse effect upon the quality of the environment, it shall prepare a declaration of significance using the form in WAC 352-10-355 ~~((which)).~~ This form shall be retained in the files of the lead agency with a copy sent to the applicant in the case of a private project. ~~((The lead agency shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center of the lead agency, and then))~~ If the proposal is not modified by the applicant resulting in a withdrawal of the affirmative threshold determination as allowed by WAC 352-10-370, the lead agency shall begin the EIS preparation procedures of WAC 352-10-400 through 352-10-695.

(2) ~~((After))~~ If the additional information gathering mechanisms of WAC 352-10-330 have been utilized, and ~~((when there exists a reasonable belief by))~~ the lead agency reasonably believes that the proposal could have a significant adverse impact, the ~~((procedure contained in subsection (1) above shall also be followed))~~ affirmative threshold determination shall be made.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for all declarations of significance and proposed and final declarations of

nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 352-10-330, and maintained in the files of the lead agency. ~~((The form without the attachments shall also be retained in the SEPA public information center of the lead agency for one year after issuance.))~~

(2) The form is as follows:

FORM FOR [PROPOSED/FINAL] DECLARATION OF [SIGNIFICANCE/NONSIGNIFICANCE]

Description of Proposal
Proponent
Location of Proposal
Lead Agency
This proposal has been determined to [have/not have] a significant adverse impact upon the environment. An EIS [is/is not] required under RCW 43.21C.030(2)(c). This decision was made after review by the lead agency of a completed environmental checklist and other information on file with the lead agency.
Responsible Official
Position/Title
Date Signature

(3) If the form is for a declaration of environmental significance, the lead agency may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the lead agency would withdraw its declaration and issue a [proposed/final] declaration of nonsignificance.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST. (1) The lead agency shall apply the questions in the environmental checklist to the total proposal, including its indirect effects ((f))(see WAC 352-10-060((f))), to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed ((therein)) in the checklist shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. ~~((It is probable there will be affirmative))~~ While some "yes" answers to several of these questions ~~((while))~~ are likely, the proposal ~~((would))~~ may still not ~~((necessarity))~~ have a significant adverse impact ~~((; however, a single affirmative answer could indicate a significant adverse impact))~~. However, depending upon the

nature of the impact and location of the proposal, a single affirmative answer could indicate a significant adverse impact. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The lead agency shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the lead agency has utilized the additional information gathering mechanisms of WAC 352-10-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the lead agency that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the lead agency or by the private applicant is required when the information available to the lead agency is not sufficient for it to make a determination of the potential adverse environmental impacts ((f))(see WAC 352-10-330((f))). It is expected, however, that many proposals can be evaluated entirely through an office review ((f))(see WAC 352-10-320((f))) of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-365 ENVIRONMENTAL CHECKLIST. (1) The form in subsection (2) ((hereof)) of this section is the environmental checklist. The commission may at its option revise the format of this form; however, the language of the questions shall not be changed. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 352-10-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is ((supplementary thereto)) supplemental.

(2) Environmental checklist form:

ENVIRONMENTAL CHECKLIST

Introduction: The state environmental policy act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values

both for their own actions and when licensing private proposals. The act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the state of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

- 1. Name of Proponent
2. Address and Phone Number of Proponent:
3. Date Checklist Submitted
4. Agency Requiring Checklist
5. Name of Proposal, if applicable:
6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):
7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):

- 8. Estimated Date for Completion of the Proposal:
9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local—including rezones):
10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:
11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:
12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the nature of such application form:

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

Table with 3 columns: Yes, Maybe, No. Row 1: (1) Earth. Will the proposal result in: (a) Unstable earth conditions or in changes in geologic substructures? (b) Disruptions, displacements, compaction or overcovering of the soil? (c) Change in topography or ground surface relief features? (d) The destruction, covering or modification of any unique geologic or physical features? (e) Any increase in wind or water erosion of soils, either on or off the site? (f) Changes in deposition or erosion of beach

	Yes	Maybe	No		Yes	Maybe	No
	___	___	___		___	___	___
sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	___	(g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	___
Explanation:				(h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters?	___	___	___
(2) Air. Will the proposal result in:				(i) Reduction in the amount of water otherwise available for public water supplies?	___	___	___
(a) Air emissions or deterioration of ambient air quality?	___	___	___	Explanation:			
(b) The creation of objectionable odors?	___	___	___			
(c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	___	___	___	(4) Flora. Will the proposal result in:			
Explanation:				(a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)?	___	___	___
.....				(b) Reduction of the numbers of any unique, rare or endangered species of flora?	___	___	___
(3) Water. Will the proposal result in:				(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	___	___	___
(a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	___	___	___	(d) Reduction in acreage of any agricultural crop?	___	___	___
(b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	___	___	___	Explanation:			
(c) Alterations to the course or flow of flood waters?	___	___	___			
(d) Change in the amount of surface water in any water body?	___	___	___	(5) Fauna. Will the proposal result in:			
(e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	___	(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic			
(f) Alteration of the direction or rate of flow of ground waters?	___	___	___				

	Yes	Maybe	No		Yes	Maybe	No
	___	___	___		___	___	___
organisms, insects or microfauna)?	___	___	___	not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	___
(b) Reduction of the numbers of any unique, rare or endangered species of fauna?	___	___	___	Explanation:			
(c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	___	___	___	(11) Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	___	___	___
(d) Deterioration to existing fish or wildlife habitat?	___	___	___	Explanation:			
Explanation:							
(6) Noise. Will the proposal increase existing noise levels?	___	___	___	(12) Housing. Will the proposal affect existing housing, or create a demand for additional housing?	___	___	___
Explanation:				Explanation:			
(7) Light and Glare. Will the proposal produce new light or glare?	___	___	___	(13) Transportation/Circulation. Will the proposal result in:			
Explanation:				(a) Generation of additional vehicular movement?	___	___	___
(8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area?	___	___	___	(b) Effects on existing parking facilities, or demand for new parking?	___	___	___
Explanation:				(c) Impact upon existing transportation systems?	___	___	___
(9) Natural Resources. Will the proposal result in:				(d) Alterations to present patterns of circulation or movement of people and/or goods?	___	___	___
(a) Increase in the rate of use of any natural resources?	___	___	___	(e) Alterations to waterborne, rail or air traffic?	___	___	___
(b) Depletion of any nonrenewable natural resource?	___	___	___	(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	___	___	___
Explanation:				Explanation:			
(10) Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but				(14) Public Services. Will the proposal have an effect upon, or result in a need			

	Yes	Maybe	No		Yes	Maybe	No
	___	___	___		___	___	___
for new or altered govern- mental services in any of the following areas:				creation of any health hazard or potential health hazard (excluding mental health)?	___	___	___
(a) Fire protection?	___	___	___	Explanation:			
(b) Police protection?	___	___	___			
(c) Schools?	___	___	___				
(d) Parks or other recrea- tional facilities?	___	___	___	(18) Aesthetics. Will the pro- posal result in the ob- struction of any scenic vista or view open to the public, or will the pro- posal result in the cre- ation of an aesthetically offensive site open to public view?	___	___	___
(e) Maintenance of pub- lic facilities, including roads?	___	___	___	Explanation:			
(f) Other governmental services?	___	___	___			
Explanation:							
.....							
(15) Energy. Will the propos- al result in:				(19) Recreation. Will the proposal result in an im- pact upon the quality or quantity of existing rec- reational opportunities?	___	___	___
(a) Use of substantial amounts of fuel or ener- gy?	___	___	___	Explanation:			
(b) Demand upon exist- ing sources of energy, or require the development of new sources of ener- gy?	___	___	___			
Explanation:							
.....				(20) Archeological/Historical . Will the proposal result in an alteration of a sig- nificant archeological or historical site, structure, object or building?	___	___	___
(16) Utilities. Will the propos- al result in a need for new systems, or altera- tions to the following utilities:				Explanation:			
(a) Power or natural gas?	___	___	___			
(b) Communications sys- tems?	___	___	___				
(c) Water?	___	___	___				
(d) Sewer or septic tanks?	___	___	___				
(e) Storm water drain- age?	___	___	___				
(f) Solid waste and dis- posal?	___	___	___				
Explanation:							
.....							
(17) Human Health. Will the proposal result in the							

III. SIGNATURE

I, the undersigned, state that to the best of my knowl-
edge the above information is true and complete. It is
understood that the lead agency may withdraw any decla-
ration of nonsignificance that it might issue in reliance
upon this checklist should there be any willful misrep-
sentation or willful lack of full disclosure on my part.

Proponent:

AMENDATORY SECTION (Amending Order 20,
filed 5/27/76)

WAC 352-10-370 WITHDRAWAL OF AFFIR-
MATIVE THRESHOLD DETERMINATION. If at
any time after the ((entry)) issuance of a declaration of
significance, the proponent modifies the proposal so that,
in the judgment of the lead agency, all significant ad-
verse environmental impacts ((resulting therefrom))
which might result are eliminated, the declaration of
significance shall be withdrawn and a declaration of

nonsignificance (~~(entered)~~) issued instead. (~~The lead agency shall also revise the registers at its SEPA public information center accordingly.~~) If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification or other binding commitment is made by the applicant.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION. (1) Except after a nonexempt license has been issued for a private project, the lead agency may withdraw any proposed or final declaration of nonsignificance when new information becomes available to it indicating that the proposal may have significant adverse environmental impacts.

(2) The lead agency may withdraw any proposed or final declaration of nonsignificance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or willful lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the lead agency shall immediately re-evaluate the proposal and make a revised threshold determination pursuant to WAC 352-10-300 through 352-10-360.

(4) Whenever a final declaration of nonsignificance has been withdrawn for one of the reasons in subsection (2) (~~(hereof)~~) of this section, and the lead agency (~~(upon)~~), after re-evaluation, determines that the proposal will have significant adverse environmental impacts, agencies with jurisdiction shall initiate procedures to suspend, modify or revoke, as appropriate, any non-exempt licenses issued for the proposal until compliance with the procedures of these guidelines is met.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-380 INTRA-AGENCY APPEALS OF THRESHOLD DETERMINATIONS. Agencies may (~~(at their option)~~) provide in their guidelines for internal review or appeals of threshold determinations, including appeals initiated by members of the public. The time required to complete any such review or appeal mechanisms may be considered an addition to that recommended by WAC 352-10-305.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY. (1) Except as provided in subsection (2) below, a threshold determination by the lead agency is binding upon all agencies (~~(, and)~~). No agency shall repeat the threshold

determination procedures for substantially the same proposal. This section shall not be construed to permit or prohibit judicial review of a threshold determination by a court, or quasi-judicial review of a threshold determination by an agency during an administrative hearing.

(2) An agency with jurisdiction over a proposal, upon receipt of a proposed declaration of nonsignificance from the lead agency, may complete and transmit a notice of assumption of lead agency status after meeting the requirements of WAC 352-10-345. As a result of compliance with WAC 352-10-345, the agency with jurisdiction has in effect reversed the decision of the initial lead agency regarding environmental insignificance and as the new lead agency, will be required to prepare a draft EIS and exercise the other responsibilities of a lead agency under these guidelines.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS. After compliance with WAC 352-10-350, relating to preparation of a declaration of significance (~~(and the listing of the proposal in the "EIS in Preparation Register,"~~), the lead agency shall prepare the draft and final EIS in compliance with WAC 352-10-410 through 352-10-695.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-405 PURPOSE AND FUNCTION OF A DRAFT EIS. (1) The principal purpose of the draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the lead agency from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the lead agency any issue of potential environmental concern which should be explored by the lead agency prior to the issuance of a final EIS.

(3) The purpose of an EIS is better served by short, concise documents containing summaries of, or reference to, technical data and avoiding unnecessarily detailed information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision-making process.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-410 PREDRAFT CONSULTATION PROCEDURES. (1) Predraft consultation ~~((is consultation by))~~ occurs when the lead agency ~~((with))~~ consults another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the lead agency when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the lead agency.

(2) Predraft consultation is ~~((commenced))~~ begun when the lead agency sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal ~~((in the possession of))~~ possessed by the lead agency.

(b) A copy of the environmental checklist required by WAC 352-10-310, as reviewed pursuant to WAC 352-10-320.

(c) Any information in addition to the checklist resulting from application of WAC 352-10-330.

(d) Any other information deemed relevant to the proposal by the lead agency such as:

- (i) Prior EISs;
- (ii) Portions of applicable plans or ordinances; or,
- (iii) Prior scientific studies applicable to the site.

(3) Agencies so consulted will have forty-five days from receipt of the packet to respond in writing to the lead agency. The required contents of the consulted agency response are governed by WAC 352-10-500 through 352-10-540.

(4) The lead agency shall incorporate the relevant information received from other agencies during the predraft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the lead agency disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the lead agency. The information required by this subsection may be placed wherever in the draft EIS the lead agency deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY. (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the lead agency. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with ~~((the provisions of))~~ these guidelines and the guidelines of the lead agency.

(2) An EIS may be prepared by a private applicant or his agent ~~((thereof))~~, or by an outside consultant retained by either a private applicant or the lead agency. ~~((In such case,))~~ The responsible official within the lead agency shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) If a person other than the lead agency is preparing the EIS, the responsible official will coordinate any predraft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which ~~((are relevant))~~ relate to the subject ((matter)) of the EIS, pursuant to chapter 42.17 RCW ((f)) (Public Disclosure and Public Records Law; Initiative 276, 1973((j))).

(4) Private applicants applying to the commission under RCW 43.51.130 to improve state park lands are authorized to ~~((participate in the preparation of))~~ help prepare any EIS required for proposed work.

(5) Private applicants applying to the commission under RCW 43.51.040(5) or as amended to construct or operate concession facilities on state park lands are required to help prepare any EIS required for proposed work.

(6) Private applicants applying to commission under RCW 43.51.685 or as amended to remove sand from the seashore conservation area as defined in RCW 43.51.655 are required to help prepare any EIS required.

(7) Private applicants applying to the commission under RCW 43.51.062 or as amended to obtain a new lease or lease renewal to operate a television station or other transmitter or repeater devices on park lands are required to help prepare any EIS required.

(8) The commission shall not require more information than that specified in WAC 352-10-310, 352-10-320 or 352-10-330. The commission reserves the right to require less information of the applicant. PROVIDED, That nothing herein shall be construed to prohibit the commission from charging any fee of an applicant which the commission is otherwise authorized to charge ((f))(see WAC 352-10-860((j))).

~~((f))~~ A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

~~((f))~~ (9) The provisions of this section apply to both the draft and final EIS.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-440 CONTENTS OF A DRAFT EIS. (1) The following subsections set forth the required contents of a draft EIS: PROVIDED, That where an

agency is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be ~~((expanded))~~ modified as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be ~~((succinctly set forth))~~ briefly given at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require. The responsible official shall attempt to make this list as complete and specific as possible. Licenses shall be listed by name and agency.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication ~~((f))~~ (see WAC 352-10-460(f)).

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The lead agency is to bear in mind that agencies other than the lead agency may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the ~~((various subject areas))~~ subjects covered. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. ~~((In most cases it is expected that the summary will run two to five pages, but it shall not be more than ten pages.))~~ The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be ~~((effectuated))~~ effected by the applicant, lead agency, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: PROVIDED, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction ~~((over a period of time))~~, the timing of each ~~((construction))~~ phase should be identified ~~((and if it is anticipated that))~~. If later phases of the proposal ((with)) are expected to require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts ~~((later discussed))~~, with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in agency files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the lead agency has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 352-10-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided ~~((rather, emphasis should be placed upon))~~. Those species and habitats which may be significantly affected should be emphasized.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 352-10-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 352-10-444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) above shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and non-renewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable ~~((alterations))~~ changes to the proposal which may ~~((result in avoiding, mitigating or reducing))~~ avoid, mitigate or reduce the risk ~~((of~~

occurrence)) of any adverse environmental impacts ~~((upon the environment))~~.

(b) Energy conservation measures, including more efficient ~~((utilization))~~ use of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) above shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) ~~((In those instances where))~~ When the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided ~~((by modifications to the project))~~.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) ~~((f))~~ ~~((Optional(f)))~~ A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) Other issues. A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 352-10-444, but which are relevant to the proposal, shall be identified. The section shall be limited to a brief identification of such problems or issues. The lead agency may adopt guidelines that delineate the problems or issues identified under this subsection. ((f))(See WAC 352-10-446((-))).

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION. (1) ~~((The requirements of))~~ WAC 352-10-440 ~~((apply))~~ applies to the contents of a draft EIS ~~((on a proposal))~~ for a nonproject action. ~~((Lead agencies;))~~ However, lead agencies have greater flexibility in their approach to achieving compliance with the requirements of WAC 352-10-440 in writing and EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The lead agency should be ~~((alert to the fact))~~ aware that ~~((it is in the development and review of))~~ typically in developing and reviewing proposals for nonproject actions ~~((where))~~ the range of alternatives is ~~((typically more broad))~~ broader than ~~((that of))~~ in developing a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-444 LIST OF ELEMENTS OF THE ENVIRONMENT. (1) Every EIS shall have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The lead agency shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing. (Provided, this list of elements need not be appended to an EIS being prepared to satisfy both the national environmental policy act and SEPA.)

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) Earth.
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.

- (v) Erosion.
 - (vi) Accretion/avulsion.
 - (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
 - (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
 - (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
 - (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
 - (f) Noise.
 - (g) Light and glare.
 - (h) Land use.
 - (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
 - (j) Risk of explosion or hazardous emissions.
- (3) ELEMENTS OF THE HUMAN ENVIRONMENT
- (a) Population.
 - (b) Housing.
 - (c) Transportation/circulation.
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.
 - (d) Public services.
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
 - (e) Energy.
 - (i) Amount required.
 - (ii) Source/availability.
 - (f) Utilities.
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.

- (vi) Solid waste.
 - (g) Human health (including mental health).
 - (h) Aesthetics.
 - (i) Recreation.
 - (j) Archeological/historical.
- (4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A," but shall not be considered part of the environment for other purposes:
- (a) Additional population characteristics.
 - (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS. ~~((+)) Upon publication of the draft EIS, the responsible official shall list the proposal in the lead agency's "EIS Available Register" maintained at the agency's SEPA public information center.~~

~~(2))~~ The lead agency is encouraged, but not required, to use any reasonable method ~~((calculated))~~ to inform the public ~~((of the availability of))~~ that the draft EIS is available and of the procedures for requesting a public hearing. Examples of such methods are publication of notice in a newspaper of general circulation in the county, city or general geographic area where the proposal is located; notifying private groups that are known to be interested in a certain proposal; contacting news media personnel and encouraging news coverage; and, placing notices in appropriate regional, neighborhood or ethnic periodicals.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD. (1) A consulted agency shall have ~~((a maximum of))~~ thirty-five days from the date of ~~((listing of the proposal in the "EIS Available Register"))~~ issuance in which to review the draft and forward its comments and information ~~((with respect thereto))~~ to the lead agency. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the lead agency. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance for the public to forward to the lead agency any comments upon or substantive information related to the proposal and the draft EIS.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT. (1) ~~((A copy of each))~~ The draft EIS shall be ~~((mailed no later than~~

~~the day that it is listed in the "EIS Available Register"))~~ issued by sending copies to the following:

- (a) The department of ecology.
- (b) Each federal agency having jurisdiction by law over a proposed action.
- (c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 352-10-040 and 352-10-465 (required by RCW 43.21C.030(2)(d)).
- (d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for nonproject actions.)
- (e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.
- (f) The applicable regional planning commission, regional clearinghouse, state-wide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs ~~((f))~~ (see RCW 36.64.080, ~~((RCW))~~ 35.63.070 and ~~((RCW))~~ 36.70.070~~((f))~~).
- (g) ~~((The lead agency's SEPA public information center.~~

~~((h-f))~~ ~~((Optional((f)))~~ Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. ~~((f))~~ (See WAC 352-10-040, 352-10-465, 352-10-510 and 352-10-520 for those provisions that define a consulted agency~~((f))~~).

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE. The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(1) Air quality.

- (a) Department of ecology.
- (b) Department of natural resources (only for burning in forest areas).
- (c) Department of social and health services.
- (d) Regional air pollution control authority or agency.

(2) Water resources and water quality.

- (a) Department of game.
- (b) Department of ecology.
- (c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).
- (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
- (e) Department of fisheries.

- (f) Oceanographic commission (marine waters).
- (3) Fish and wildlife.
 - (a) Department of game.
 - (b) Department of fisheries.
 - (c) Oceanographic commission (marine waters).
- (4) Solid waste.
 - (a) Department of ecology.
 - (b) Department of fisheries (dredge spoils).
 - (c) Department of social and health services.
- (5) Noise.
 - (a) Department of ecology.
 - (b) Department of social and health services.
- (6) Hazardous substances (including radiation).
 - (a) Department of ecology.
 - (b) Department of social and health services.
 - (c) Department of agriculture (foods or pesticides).
 - (d) Department of fisheries (introduction into waters).
 - (e) Oceanographic commission (introduction into marine waters).
- (7) Natural resources development.
 - (a) Department of commerce and economic development.
 - (b) Department of ecology.
 - (c) Department of natural resources.
 - (d) Department of fisheries.
 - (e) Department of game.
 - (f) Oceanographic commission (related to marine waters).
- (8) Energy production, transmission and consumption.
 - (a) Department of commerce and economic development (office of nuclear energy development—nuclear).
 - (b) Department of ecology.
 - (c) Department of natural resources (geothermal, coal, uranium).
 - (d) State energy office.
 - (e) ~~((Thermal power plant))~~ Energy facility site evaluation council (thermal power plants).
 - (f) Utilities and transportation commission.
- (9) Land use and management.
 - (a) Department of commerce and economic development.
 - (b) Department of ecology.
 - (c) Department of fisheries (affecting surface or marine waters).
 - (d) Department of natural resources (tidelands or state-owned or -managed lands).
 - (e) Office of community development.
- (10) Transportation.
 - (a) Department of ~~((highways))~~ transportation.

- (b) Utilities and transportation commission.
- (c) Oceanographic commission (water borne).
- (11) Recreation.
 - (a) Department of commerce and economic development.
 - (b) Department of game.
 - (c) Department of fisheries.
 - (d) Parks and recreation commission.
 - (e) Department of natural resources.
- (12) Archaeological/historical.
 - (a) ~~((Parks and recreation commission))~~ Office of archaeology and historic preservation.
 - (b) Washington state university at Pullman (Washington archaeological research center).

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS. The lead agency shall ~~((make available))~~ provide a copy of any environmental document, in ~~((the manner provided by))~~ accordance with chapter 42.17 RCW, charging only those costs allowed therein ~~((and))~~ plus mailing costs ~~((: PROVIDED, That))~~. However, no charge shall be levied for circulation of documents to other agencies ~~((which is))~~ as required by these guidelines.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist ~~((the lead agency))~~ it in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty-five days of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance of the draft EIS; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty-five days of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the ~~((the listing of the proposal in the "EIS Available Register"))~~

~~Available Register²) issuance of the draft EIS and no earlier than fifteen days from such date of ((listing)) issuance.~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL. ~~((+))~~ Notice of all public hearings to be held pursuant to WAC 352-10-480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For nonproject actions the notice shall be published in the general area where the lead agency has its principal office. The notice shall be published no later than five days preceding the hearing. For nonproject proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

~~((2) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained at the lead agency's SEPA public information center.)~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION. Each state agency with jurisdiction, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal~~((or))~~. In the event no license is involved, the agency with jurisdiction shall investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The end result of these investigations should be that each agency with jurisdiction will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the agency with jurisdiction. An agency with jurisdiction, in its response to the lead agency, should also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risk~~((s))~~ which remain after it has conducted the investigations that may have been required.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE. (1) When requested by the lead agency, each state agency participating in predraft consultation, or reviewing a draft EIS, lacking jurisdiction, but possessing environmental expertise pertaining to the impacts associated with a proposal ~~((f))~~(see WAC 352-10-465~~((f))~~), ~~((, when requested by the lead agency,))~~ shall provide to the lead agency that

substantive data, information, test results or other material relevant to the proposal which the consulted agency ~~((then))~~ possesses relating to its area of special expertise.

(2) The consulted agency may at its option investigate, develop and transmit whatever additional information is necessary for the lead agency to meet its responsibilities under WAC 352-10-440 or 352-10-442.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.

A consulted agency shall not charge the lead agency for any costs incurred in complying with WAC 352-10-500 through 352-10-540, including, but not limited to, ~~((such functions as))~~ providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW~~((;))~~ for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-540 LIMITATIONS ON RESPONSES TO CONSULTATION. ~~((In those instances where))~~ If part or all of the relevant data possessed by ~~((any))~~ a consulted agency is ~~((either))~~ voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or if it consists of a report or document published by another agency, or ((represents)) is a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the consulted agency in its comments to the lead agency and the data itself need not be transmitted. When the consulted agency identifies ~~((relevant data, files or other))~~ material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the consulted agency shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-545 EFFECT OF NO WRITTEN COMMENT. If a consulted agency does not respond with written comments within thirty-five days of the date of ~~((listing of the draft EIS in the "EIS Available Register,"))~~ issuance of the draft EIS or ~~((fails to respond))~~ within ~~((the))~~ a fifteen-day extension period ~~((which may have been))~~ granted by the lead agency, the lead agency may assume that the consulted agency

has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with WAC 352-10-400 through 352-10-495, or with the contents of the final EIS.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED. The lead agency shall prepare a final EIS within seventy-five days of ~~((the listing of the proposal in the "EIS Available Register."))~~ issuance of the draft EIS. The lead agency may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) If the lead agency does not receive any comments critical of the scope or content of the draft EIS, the lead agency may prepare a statement to ~~((the))~~ that effect ~~((that no critical comments were received))~~ and circulate that statement in the manner prescribed in WAC 352-10-600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) When the lead agency receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it shall comply with either subsection (2) or (3) below.

(2) The lead agency may determine that no changes or only minor changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The lead agency must prepare a document containing a general response to the comments that were received, any minor changes to the EIS or proposal, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The lead agency shall then circulate the document in the manner prescribed in

WAC 352-10-600: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The lead agency may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the lead agency shall circulate the rewritten EIS in the manner specified in WAC 352-10-600. The lead agency shall ensure that the re-written EIS evidences an affirmative response by the lead agency to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-600 CIRCULATION OF THE FINAL EIS. The final EIS shall be ~~((circulated))~~ issued by circulating it to the department of ecology, office of the governor or the governor's designee, the ecological commission, ~~((the lead agency's SEPA public information center,))~~ agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 U.S.C. section 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 352-10-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the lead agency determines that the federal EIS is adequate, ~~((it shall be listed in the "EIS Available Register" in the SEPA public information center))~~ a notice to this effect shall be circulated as in WAC 352-10-600.

(4) If a hearing open to public comment upon the adequacy of the federal EIS has not previously been held within the jurisdiction of the SEPA lead agency, a public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of ~~((its listing in the register))~~ the notice in subsection (3) above, at least fifty persons who reside within

the jurisdiction of the lead agency, or are adversely affected by the environmental impact of the proposal, make written request (~~(therefor)~~). The lead agency shall reconsider its determination of adequacy in view of comments received at any such public hearing.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION. (1) An agency may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) ~~((A previous EIS shall not be used without an explanatory supplement))~~ Where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action, a previous EIS shall not be used without an explanatory supplement.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the lead agency shall prepare a draft supplemental EIS and comply with the provisions of WAC 352-10-400 through 352-10-695. The contents of the draft and final supplemental EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the lead agency may prepare a written statement setting forth its determination under this subsection and ~~((list the proposal in the "EIS Available Register"))~~ circulate it as provided in WAC 352-10-600. The lead agency shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. However, the provisions of WAC 352-10-480 through 352-10-490, relating to a public hearing on the environmental impact of a proposal shall apply~~((however, to proposed actions determined to be under the provisions of this subsection)).~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL. (1) When an agency is considering an action which is ~~((identified as))~~ part of a proposal covered by a final EIS of a lead agency, and the agency ~~((now considering the action))~~ was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, such agency must utilize the previous EIS unchanged when it is considering its present action except

under the conditions of subsection (2) ~~((hereof))~~ of this section.

(2) An agency with jurisdiction shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the acting agency shall prepare a supplement to the lead agency's EIS ~~if ((, and only if,))~~ it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If an agency is not listed as a licensing agency in the draft EIS pursuant to WAC 352-10-440(2)(d) and did not receive a copy of the draft EIS, such agency shall not be limited by the contents of the earlier EIS in preparing its statement.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS. (1) In any case where the lead agency is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it shall prepare a draft supplemental EIS and comply with WAC 352-10-450 through 352-10-470. ~~Copies ((of both the prior and supplemental EIS shall be maintained at the SEPA public information center, and copies))~~ of the prior EIS, as well as the supplement, shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the lead agency shall comply with WAC 352-10-550 through 352-10-580 and the final supplemental EIS, together with the ~~((earlier))~~ prior EIS, shall be regarded as a final EIS for all purposes of these guidelines.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. No agency shall take any major action (as defined in WAC 352-10-040(26)) on a proposal for which an EIS has been required, prior to seven days from the ~~((publication))~~ issuance of the final EIS ~~((and its listing in the "EIS Available Register" maintained at the agency's SEPA public information center)).~~

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-830 COMMISSION SEPA PUBLIC INFORMATION CENTER. (1) The commission's

SEPA public information center shall be located in the office of the environmental coordination section at the headquarters office of the commission in Olympia.

(2) The following documents shall be maintained at the commission's SEPA public information center:

(a) Copies of all declarations of nonsignificance filed by the commission, for a period of one year.

(b) Copies of all EISs prepared by the commission, for a period of three years. Draft EISs which have been superseded by a final EIS need not be maintained at the center.

(3) ~~((In addition, the Commission shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained:~~

~~(a) A "Proposed Declaration of Non-Significance Register" which shall contain a listing of all current proposed declarations of non-significance.~~

~~(b) An "EIS in Preparation Register" which shall contain a listing of all proposals for which the Commission is currently preparing an EIS, and the date by which the EIS is expected to be available.~~

~~(c) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by the Commission during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.~~

~~(4) Each of the registers required by subsection (3) hereof shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the register, in which event a copy of the register or update shall be mailed when a new proposal is added. The Commission may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.~~

~~(5)) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request. The commission may charge for copies in the manner provided by chapter 42.17 RCW, and for the cost of mailing.~~

(4) The commission shall transmit the following documents to the department of ecology headquarters office in Olympia:

(a) All draft and final EISs. (See WAC 352-10-460 and 352-10-600);

(b) All final declarations of nonsignificance for which a proposed declaration of nonsignificance has been circulated. (See WAC 352-10-340(7)).

(5) Each week the department of ecology shall prepare a listing of the documents in subsection (4)(a) and (b) above and make the listing available to other agencies and to the public. The department may charge a

reasonable fee for this list in the manner provided for in chapter 42.17 RCW. This listing shall be known as the "SEPA REGISTER".

(6) The commission may take any additional steps found appropriate to inform other agencies and the public of EISs in preparation, EISs available, proposed declarations of nonsignificance, final declarations of nonsignificance and other SEPA-related matters.

AMENDATORY SECTION (Amending Order 20, filed 5/27/76)

WAC 352-10-920 EFFECTIVE DATE. These guidelines shall become effective not sooner than ~~((June 25, 1976))~~ June 14, 1978.

WSR 78-07-024

ADOPTED RULES

BELLEVUE COMMUNITY COLLEGE

[Order 57, Resolution 111—Filed June 15, 1978]

Be it resolved by the board of trustees, of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to the student code of Bellevue Community College, amending WAC 132H-120-200 and adopting WAC 132H-120-205.

This action is taken pursuant to Notice No. WSR 78-05-062 filed with the code reviser on 4/27/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the board of trustees of Community College District VIII, Bellevue Community College, as authorized in RCW 28B.50.140.

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

APPROVED AND ADOPTED June 6, 1978.

By Thomas E. O'Connell
Secretary

AMENDATORY SECTION (Amending Order 44, filed 8/11/76)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aide or abettor: (1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited;

(a) Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which

has the special written authorization of the college President or his designee.

(b) Procedural guidelines for liquor policy implementation are as follows:

(i) When approved by the President (~~and/or the Board of Trustees,~~) or his designee, alcoholic beverages may be served by a recognized student organization, (~~and~~) college administrative unit (~~at the college,~~) or a community organization. Such groups must adhere to the stipulation of building use policies (WAC 132H-140) and fully meet all laws, rules and regulations as set forth in the Washington State Liquor Control Board regulations RCW 66.20.010, which permits consumption of spirits.

(ii) Approval for the serving of alcoholic beverages must be requested at least seven (7) calendar days prior to the date of use. A student organization request (Form 010-116 6-78) must be filed with the Office of the Dean for Student Services and Development. (~~where it will be forwarded to the office of~~) If, in the judgment of the Dean for Student Services and Development, the request is congruent with the best interests of the student group and the college, the Dean will forward the request to the President for final approval. All other requests (Form 010-116 6-78) shall be filed with the Office of the President. The request shall be approved or denied at least three (3) calendar days prior to the proposed event. The application for utilization of alcoholic beverages must be completed by an authorized representative who accepts responsibility for compliance with the college and other governmental rules and regulations, where applicable, and agrees to be present at the function. The Associate Dean for Student Programs and Activities(;) or designee(;) shall be available at all student functions involving alcoholic beverages and is empowered to make decisions that might arise covering college policies or procedures.

(iii) Upon approval for the use of alcoholic beverages at Bellevue Community College, it shall be the responsibility of the sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and to display such licenses at the time of the event.

(iv) Banquet events (sit-down dinners) are recognized as different in nature from program events. At program events, permission to serve alcoholic beverages shall be restricted to beer and light wine and food appropriate for the event must be available. Banquet events shall be approved in accordance with Washington State Liquor Control Board regulations RCW 66.20.010 which permits the consumption of spirits.

(v) The matrix shall be set aside as the only location for the sale and/or consumption of beer and wine at program-sponsored events.

(vi) A (~~Driver licenses~~) driver's license with picture or a Washington State Liquor Control Board identification (~~cards~~) card are the only acceptable identification sources in determining legal age.

(vii) The policing of identification cards shall be the responsibility of campus security.

(viii) No person who is under the influence of alcohol or dangerous substances or who is disorderly in conduct

shall be allowed to serve, consume or dispense alcoholic beverages.

(ix) All sales and use of alcoholic beverages shall be governed by the Washington State Law as interpreted by the Washington State Liquor Control Board. The regulation (~~with~~) shall be posted outside of the room where alcoholic beverages are consumed.

(x) No alcoholic beverages may be consumed outside the approved area for the event (building, room, etc.).

(xi) Non-alcoholic beverages shall be available to persons under the legal age at all events where alcoholic beverages are permitted.

(xii) No state monies shall be used to purchase any alcoholic beverages or to pay any license fees or related expense. All revenues generated by the sale of alcoholic beverages shall be processed in accordance with normal college policy and procedures.

(xiii) To insure variety in programming, the use of alcoholic beverages shall be approved for only a limited number of major collegewide activities.

(c) Using, possessing, (~~or~~) selling or being under the influence of any narcotic drug as defined in RCW 69.50.101 now law or hereafter amended, or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 29.04.005 as now law or hereafter amended.

(d) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Forgery, as defined in RCW 9.44.010 of any district record of instrument or tendering any forged record of instrument to an employee or agent of the district acting in his official capacity as such.

(f) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(g) Intentionally destroying or damaging any college facility or other public or private real or personal property.

(h) Failure to comply with directions of properly identified college officials acting in performance of their duties.

(i) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(j) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(k) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers unless written approval has been obtained from the Dean for

Student Services and Development; or any other person designated by the President.

(l) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(n) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

the forfeiture of the deposit paid if any such action is brought against Bellevue Community College, Community College District VIII or violation of rules occurs.

Name of Person Representing Sponsoring Group and Responsible for Purchasing Banquet License and Liquor.

Address

Phone No.

Driver's License No.

Signature of BCC Authorized Representative

Granted Denied Date Granted Denied Date

Dean for Student Services & Development

President or Designee

BCC 010-116(6-78)

WSR 78-07-025 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Filed June 16, 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 disregard of income and resources, amending WAC 388-28-575.

These rules were filed on an emergency basis on June 9, 1978.

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

Gerald E. Thomas Acting Secretary Department of Social and Health Services Mail Stop OB-44 Olympia, Washington 98504;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Bldg #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 14, 1978 By: Thomas G. Pinnock Acting Secretary



NEW SECTION

WAC 132H-120-205 APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES

COMMUNITY COLLEGE DISTRICT VIII Bellevue Community College 3000 Landerholm Circle S.E. Bellevue, Washington 98007

APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES

Authorized representative please complete the information requested and file with: 1. Student Organization - Dean for Student Services and Development; 2. College Administrative Unit - President's Office; 3. Community Organization - President's Office.

DATE OF EVENT DATE OF REQUEST

NAME OF SPONSORING GROUP

AUTHORIZED BCC REPRESENTATIVE

ADDRESS PHONE NO.

TYPE OF EVENT (Circle appropriate group: Student Organization; College Admin. Group; Community Organization. Describe function and the appropriate serving of food.

FACILITY REQUESTED

I have read "Procedural Guidelines for Liquor Policy Implementation" which are excerpted from WAC 132H-120-200 STUDENT RESPONSIBILITIES and agree to abide by these regulations. I further agree to hold Bellevue Community College, Community College District VIII harmless from any claim, course of action, costs, liability or losses which may arise out of the provision of alcoholic beverages at this event and I agree to and assume total and complete responsibility for the total and complete adherence to all the rules and regulations that apply to the provision of alcoholic beverages at this event and to

AMENDATORY SECTION (Amending Order 1287, filed 4/13/78)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that Act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Earnings received by any person under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended.

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII as authorized in RCW 28B.50.140.

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

APPROVED AND ADOPTED June 6, 1978.

By Thomas E. O'Connell
Secretary

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-010 TITLE. WAC 132H-160-010 through 132H-160-710 will be known as the ((Schedule of Fees)) Admissions, Residency Classification and Registration Regulations - Schedule of Fees and Financial Aid for Community College District VIII as established by the Board of Trustees pursuant to the authority granted to them by RCW 28B.50.140 and 28B.15 RCW.

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

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-040 QUARTERLY REGISTRATION FEES: RESIDENT STUDENTS. Full-time resident students of Community College District VIII will be charged ((~~\$83.00~~)) \$101.00 for tuition and fees. Part-time resident students will be charged ((~~\$8.30~~)) \$10.10 per credit hour.

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-050 QUARTERLY REGISTRATION FEES: NONRESIDENT STUDENTS. Full-time nonresident students of Community College District VIII will be charged ((~~\$227.00~~)) \$395.00 for tuition and fees. Part-time nonresident students will be charged ((~~\$22.70~~)) \$39.50 per credit hour.

Reviser's Note: WAC 1-13-130 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 14, filed 4/18/73)

WAC 132H-160-120 CREDIT EXAMINATION. Community College District VIII students will be charged ((~~\$4.15~~)) \$5.05 per credit hour for credit by examination.

*Notes: Donot
Copy 132H-160-200
with
R. Blair*

WSR 78-07-026
ADOPTED RULES
BELLEVUE COMMUNITY COLLEGE
[Order 58, Resolution 112—Filed June 15, 1978]

Be it resolved by the board of trustees, of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII, amending chapter 132H-160 WAC, and repealing WAC 132H-160-100 and 132H-160-200.

This action is taken pursuant to Notice No. WSR 78-05-105 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-140 GENERAL EDUCATION DEVELOPMENT TEST. Students of Community College District VIII participating in the General Education Development test will be charged a fee of (~~(\$7.50)~~) \$10.00 for administration of the test.

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-460 LATE REGISTRATION. Students may not register before their assigned appointments. Students unable to keep their appointments may register later the same day during the a.m. or p.m. of their assigned appointment or on a "first come, first served" basis without a late registration fee on any scheduled registration day thereafter (during scheduled registration hours) at the special late-appointment window. No student shall be permitted to register after the first (~~(eight)~~) ten (10) calendar days of fall, winter or spring quarter or after the first (~~(five)~~) six (6) calendar days of summer quarter except with the written consent of the Dean of Instruction, Program or Division Chairman and the approval of the instructor of the class for which the student wishes to enroll.

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-470 CHANGE OF STUDENT REGISTRATION SCHEDULE. There are two official change of student registration schedule periods. Specific dates for change of schedule are published in the college (~~(Catalog)~~) Catalog(;) and the quarterly class schedule and are posted about the campus by the college Registrar thirty (30) days prior to the beginning of each registration period. A student who has registered for a course(s) may withdraw from his/her schedule through the tenth week of instruction for fall, winter or spring quarter and through the sixth week of summer quarter. No grade will be entered on a student's permanent transcript record for course(s) dropped during the first (~~(eight)~~) ten (10) calendar days of fall, winter or spring quarter or during the first (~~(five-5))~~ six (6) calendar days of summer quarter. No student shall be permitted to register after the first (~~(eight-8))~~ ten (10) calendar days of fall, winter or spring quarter or after the first (~~(five-5))~~ six (6) calendar days of summer quarter except with the written consent of the Dean of Instruction, Program or Division Chairman and the approval of the instructor of the class of which the student wishes to enroll.

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

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-490 WITHDRAWAL FROM THE COLLEGE. A student who finds it necessary to withdraw completely from the college due to illness or

other bona fide reasons must complete and submit a withdrawal form to the Registrar's Office. Failure to do so will constitute an unofficial withdrawal and forfeiture of any refund and will be indicated on the student's permanent record as "no credit" for each course for which the student is enrolled. The criteria used for determining grading and recording procedures for official withdrawal are as follows: (1) Through the (~~(eighth)~~) tenth calendar day of fall, winter or spring quarter and the fifth calendar day of summer quarter, students should obtain a withdrawal petition form from the Registrar's Office. No grade will be entered on the student's permanent transcript record for course(s) dropped during the first (~~(eight-8))~~ ten (10) calendar days of fall, winter or spring quarter or the first (~~(five-5))~~ six (6) calendar days of summer quarter.

(2) After the (~~(eighth)~~) tenth calendar day and prior to the eleventh week of fall, winter or spring quarter and after the (~~(fifth)~~) sixth calendar day and prior to the seventh week of summer quarter, students wishing to withdraw must complete and submit a withdrawal form to the Registrar's Office. The withdrawal grade of "W" will become a part of the student's permanent transcript record regardless of his grade status at this time.

(3) No official withdrawal will be permitted after the tenth calendar week of fall, winter or spring quarter or after the sixth calendar week of summer quarter.

(4) Students who have completely withdrawn from school may not reenroll or register for the same quarter without the approval of the Registrar.

Reviser's Note: WAC 1-13-130 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 repealed:

- (1) WAC 132H-160-100 CHANGE OF SCHEDULE.
- (2) WAC 132H-160-200 TITLE.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 78-07-027
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order PT 78-3—Filed June 16, 1978]

I, Charles W. Hodde, director of the department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Current Use Assessment Act (Open Space) to wit:

- New WAC 458-30-056 Additional tax (replacing WAC 458-30-035 and 458-30-065 repealed).
- New WAC 458-30-057 Penalty (replacing WAC 458-30-040, repealed).
- Amd WAC 458-30-120 Granting authority's action on application.
- Amd WAC 458-30-135 Advisory committee.
- Amd WAC 458-30-145 Valuation procedures.

other not
78-07-027
Revised
this section
DO NOT
COVER

Done
about a
month
ago
C. H. B.
(complete)

New WAC 458-30-146 Valuation cycle.

This action is taken pursuant to Notice No. WSR 78-05-050 filed with the code reviser on 4/25/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.34.141 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.34 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 June 16, 1978.

By Charles W. Hodde
Director

NEW SECTION

WAC 458-30-056 ADDITIONAL TAX. (1) Land which is removed from classification shall be subject to an additional tax, unless the removal resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020. These conditions shall apply to the affected land only and shall not relieve any portion not so affected from the potential tax liability.

(2) The additional tax shall be equal to the sum of:

(a) The difference between the tax that was levied as classified lands and the tax that would have been levied for the last seven years, had the land not been classified; plus

(b) Interest at the statutory rate charged on delinquent property taxes (RCW 84.56.020) from April 30 of the year the tax would have been paid without penalty to the date the additional tax is paid.

NEW SECTION

WAC 458-30-057 PENALTY. A penalty of twenty percent shall be added to the additional tax specified in WAC 458-30-056 unless the removal was the result of

a notice from the owner to remove the land from classification, providing such notice was:

(1) Submitted after the land had been classified for not less than eight years; and

(2) Submitted not less than two years before the removal or change of use.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-120 GRANTING AUTHORITY'S ACTION ON APPLICATION. With comprehensive plan: An application for classification shall be acted upon in a city or county which has a comprehensive plan, in the same manner in which an amendment to the comprehensive plan is processed.

Without a comprehensive plan: The application shall be acted upon in a city or county without a comprehensive plan after a public hearing, and after a notice of the hearing shall have been given by one publication in a newspaper of general circulation in the city or county at least ten days before the hearing. In either event, the owner shall be notified of the hearing.

The granting authority shall consider applications for open space or timber land classification and shall approve or disapprove those applications within six months of receiving the application as provided by law. The assessment of the land at current use value shall begin on January 1 of the year following the year of the application. Except, if the application is approved on or after July 1 in the year following the year of application, then the assessment of the land at current use value shall begin on January 1 of the year following the date of approval of the application.

The granting authority may approve all or part of an application and an applicant may withdraw his application if a part of it is rejected. The granting authority may require conditions to be met including, but not limited to, the granting of easements by the owner. Any conditions imposed shall be in consideration of the benefits to the general public and shall be for the length of the agreement only. Owner shall mean vendor.

Upon qualification of the land, the granting authority shall send one copy of the executed agreement to the assessor within ten days of the receipt of the signed agreement by the granting authority.

Upon the applicant's showing of good cause for the delay, the granting authority may accept agreements which have not been returned to it within twenty-five days.

If the application is disapproved, the granting authority shall immediately notify the applicant.

The granting authority shall keep a record of each application, agreement and records relating to each agreement until a notice of withdrawal is received from the assessor.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-135 ADVISORY COMMITTEE. The county legislative authority shall appoint a five-member advisory committee representing the active

farming community ((to advise)) within the county ((assessor in implementing assessment guidelines as established by the Department of Revenue for "farm and agricultural", "open space" and "timber land.")). The term of ((each)) the members of the advisory committee shall be ((for one year following appointment)) as determined by the county legislative authority. ((Members may be removed from the advisory committee by majority vote of the county legislative authority.

The advisory committee shall not give advice as to the valuation or assessment of specific pieces of property. However, they shall supply the assessor with advice on typical crops, land quality, and net cash rental so that the assessor can make more knowledgeable assessments:))

The committee shall meet at its own discretion or at the request of the county assessor and shall elect its own chairman.

The advisory committee will serve in an advisory capacity to the county assessor in implementing assessment guidelines, as established by the Department of Revenue for the assessment of land classified as open space, farm and agricultural lands, and timber lands.

The county assessor shall annually gather rental income, productive capacity, and value indicators, including current costs of irrigation equipment, and develop a valuation schedule based on this data. He shall then present this schedule, including the supporting documentation, to the advisory committee. The committee shall review the schedule and supporting data. Any changes in the assessor's schedule recommended by the committee shall be based upon facts and documented data supporting those recommendations and shall not be based on conjecture.

If requested by the assessor and the committee, the department will review the data gathered and make its recommendation to the assessor and the committee.

The county assessor shall maintain as a public record the advisory committee's considerations and recommendations.

AMENDATORY SECTION (Amending Order PT 73-9, filed 10/30/73)

WAC 458-30-145 VALUATION PROCEDURES. In determining the current use value of farm and agricultural land and the current use value of open space land with no current use, the assessor shall value each class of soil by the capitalization of income method in the following manner:

(1) The Net Cash Rental to be capitalized shall be determined as follows:

(a) ~~((Where sufficient rental information is available the income shall be the average rental paid on an annual basis available for lease for period of at least three years in the area for similar soil classes. Credit shall be allowed for those production costs which are customarily paid by the landlord.~~

~~((b) Where sufficient rental information is not available, the net cash rental shall be the cash value of typical or usual crops on land of similar quality averaged over five years, less standard cost of production:))~~ The assessor will use leases of land which are currently

leased or have been available for lease for the last three years. If leases do not meet this requirement, they will not be used. The lease payments will be averaged as follows:

(i) Each annual lease payment (or rent) will be averaged for the typical crops within that area; and

(ii) The typical average cash rental for each year will be averaged over the immediate past five years. The typical cash rental shall include all income including subsidies. Payments in lieu of production may be included as income, in which case the acreage kept out of production because of those payments will be included in total acreage valued by capitalization of income. If payments in lieu of production are not included as income, the values computed for the land in production shall be extended to that acreage held out of production at the same value per acre. A deduction will be allowed for those production costs which are customarily (or typically) paid by the land owner.

(b) When there is an insufficient number of leases available to adequately determine net cash rental, then the net cash rental shall be determined by using the following:

(i) The cash value of the typical or usual crops grown in a typical area will be determined each year; and

(ii) The standard costs of production will be deducted; or

(iii) The landlord's share of the crops cash value will be determined. The landlord's typical production expenses will be deducted.

This amount will then be averaged over the immediate past five years.

(c) Where the land being valued is not capable of producing agricultural income or is not being used to produce agricultural income or where sufficient information is not available by which agricultural income can be determined, the assessor shall impute, on its estimated capability to the land, a reasonable amount to be capitalized as income.

(2) The capitalization rate to be used in valuing land shall be the sum of the following component parts:

(a) An interest component to be determined by the Department of Revenue and certified to the county assessor on or before January 1st of each year, and shall be comparable to interest rates charged on long-term loans secured by mortgages on farms or agricultural lands averaged over the last five ((5)) years, plus;

~~((b) A component for property taxes which shall be ((a percentage equal to the average tax rate times the legal assessment ratio within the county)) determined by:~~

(i) Dividing the total assessed value of the county into the total taxes levied within the county for the year previous to the assessment; and

(ii) Multiplying the dividend by one hundred percent.

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2).

(4) The department's determination of the interest rate established in (2)(a) may be appealed to the State Board of Tax Appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(5) Land which is being used as a residential building site ((and improvements upon such land)) shall be valued at ((current use market value)) true and fair value.

NEW SECTION

WAC 458-30-146 VALUATION CYCLE. In the determination of the true and fair value and the current use value of classified lands, the assessor shall follow a definite valuation cycle that adheres to the requirements contained in WAC 458-12-335 through 458-12-339, as now or hereafter amended. The cycle used shall be the same as that used for other real property in the county and shall be in an orderly manner, pursuant to a regular plan, and in a manner which is not arbitrary, capricious, or intentionally discriminatory. (See *Sator v. Dept. of Revenue* 89 Wn 2d 338 (1977).)

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) **WAC 458-30-035 ADDITIONAL TAX.**
- (2) **WAC 458-30-040 BREACH—CHANGE OF USE.**
- (3) **WAC 458-30-065 CONDITIONS WHERE ADDITIONAL TAX NOT IMPOSED.**

WSR 78-07-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-38—Filed June 16, 1978]

I, Gordon Sandison, director of 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 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 regulations were adopted at a hearing on June 16, 1978, to allow a harvest on Willapa Harbor and Grays Harbor. This order is necessary for immediate implementation of these regulations.

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 June 16, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-22-02000A WILLAPA HARBOR, GRAYS HARBOR MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-22-020:

(1) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, through lighted buoy 13 to where it intersects with the shore at Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(2) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(3) Area 2G shall include those waters of Willapa Harbor northerly of a line projected true east-west through Riddle Spit Light No. 10, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a line projected to buoy 8A located on the southside of Willapa Channel from the Cape Shoalwater Light to Leadbetter Point.

NEW SECTION

WAC 220-36-02100K GRAYS HARBOR GILLNET—SEASONS Notwithstanding the provisions of WAC 220-36-021, it shall be unlawful to take,

fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

Areas 2B, 2C and 2D

6:00 p.m. July 6 to 6:00 p.m. August 14, 1978.

NEW SECTION

WAC 220-36-02200B GRAYS HARBOR—WEEKLY PERIODS Notwithstanding the provisions of WAC 220-36-022, it shall be unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor Fishing Areas:

No weekly closed periods.

NEW SECTION

WAC 220-36-02500A CLOSED AREAS Notwithstanding the provisions of WAC 220-36-025, it shall be unlawful to take, fish for or possess salmon taken for commercial purposes in or from those Washington waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light located 123 feet above mean high water at Westport through lighted buoy 13, to where it intersects with the shore at Point Brown and those waters lying easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

NEW SECTION

WAC 220-40-02100F WILLAPA HARBOR—GILL NET—SEASONS. Notwithstanding the provisions of WAC 220-40-021, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Area 2G, 2J and 2K

6:00 p.m. July 6 to 6:00 p.m. August 20, 1978

NEW SECTION

WAC 220-40-02200B WILLAPA HARBOR—WEEKLY PERIODS. Notwithstanding the provisions of WAC 220-40-022, it shall be unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereinafter designated in the following Willapa Harbor Fishing Areas:

No weekly closed periods.

WSR 78-07-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 78-39—Filed June 16, 1978]

I, Gordon Sandison, director of 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 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 rescinds the former conservation closure and will provide adequate protection of Lake Washington sockeye.

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 June 16, 1978.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-006B0D MINIMUM MESH SIZE Effective immediately through June 30, 1978, it shall be unlawful for any fisherman, including Treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 6B, with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

Those areas and times not specifically closed by this Order remain closed to all treaty Indian fishing except as permitted by tribal regulations filed with the U.S. District Court and the Departments of Fisheries and Game which comply with the decision and subsequent orders in U. S. V. Washington Civil No. 9213. No fishing outside the usual and accustomed grounds and stations is authorized by this Order. This Order is not an opening of any time or areas to treaty Indian fisheries which have not been opened by properly filed tribal regulations.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 220-28-006B0C CLOSED AREA (78-36)
WAC 220-28-010A0F CLOSED AREA (78-19)

SEE PROCEED.

WSR 78-07-030
ADOPTED RULES

APPLE ADVERTISING COMMISSION
[Order 7—Filed June 16, 1978—Eff. September 1, 1978]

Be it resolved by the Washington State Apple Advertising Commission, acting at Chieftain Motel, 1005 N. Wenatchee Avenue, Wenatchee, WA 98801, that it does promulgate and adopt the annexed rules relating to the amount and methods of collection and reporting of assessments, Exhibit 1, amending WAC 24-12-010.

This action is taken pursuant to Notice No. WSR 78-05-078 filed with the code reviser on 5/1/78. Such rules shall take effect at a later date, such date being September 1, 1978.

This rule is promulgated pursuant to RCW 15.24.070(1) which directs that the Washington State Apple Advertising Commission has authority to implement the provisions of chapter 15.24 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 June 14, 1978.

BY Garret Horsley
Chairman

AMENDATORY SECTION (Amending Order 6, filed 11/14/77)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. Assessments shall be that amount on each one hundred pounds (100 lbs.) gross billing weights of apples established from time to time pursuant to the provisions of RCW 15.24.090 and shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

Description of Container	Gross Billing Weights
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	((45)) 44 lbs.
10/4 and 8/5 Bag ((Container)) Containers	((46)) 45 lbs.
12/4 Bag Container	((54)) 53 lbs.
Standard Tray Pack Container	46 lbs.

Description of Container	Gross Billing Weights
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

The effective date of the foregoing amendments shall be September 1, 1978.

WSR 78-07-031
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE
[Filed June 16, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 20 (Walla Walla Community College), intends to adopt, amend, or repeal rules concerning the constitution and bylaws of the associated students of Walla Walla Community College, chapter 132T-104 WAC;

that such institution will at 3:00 p.m., Thursday, August 17, 1978, in the board room, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, August 17, 1978, in the board room, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

The authority under which these rules are proposed is chapters 28B.50 and 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to August 17, 1978, and/or orally at 3:00 p.m., Thursday, August 17, 1978, board room, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA.

Dated: June 9, 1978
By: Eldon J. Dietrich
President

NEW SECTION

WAC 132T-104-010 CONSTITUTION AND PURPOSE. We, the associated students of Walla Walla Community College, in order to bring about in the students an appreciation and understanding of democratic values and processes through participation in student government and to develop in the students free expression and a realization of his rights; to provide a means to bring and interpret student attitudes and opinions to the teaching faculty and the college administration and further to provide a means whereby adult social responsibilities can be developed in the students by a maximum of self-control

and self-direction in all areas of student life, do hereby adopt and establish the following constitution.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130, but the text may be at variance with the previously codified version of the section.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-020 THE ASSOCIATED STUDENTS. The government organization of the students of Walla Walla Community College shall be known as the Associated Students of Walla Walla Community College. Words and phrases used herein in the masculine gender shall include the masculine and feminine genders.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-030 LEGISLATIVE BODY OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE.

(1) The legislative authority of the associated students shall be vested in the associated student senate.

(2) The voting members of the associated student senate shall be the executive vice-president, activities vice-president, business vice-president, and the publicity vice-president of the associated students; senators and representatives from other segments of the ~~((A.S.B.))~~ Associated Student Body as recognized and defined by the associated student senate. The president shall vote in the occurrence of a tie.

(3) Candidates for associated student senate ~~((and representatives))~~ shall be members of the associated students, shall be full-time students while in office, and shall have a cumulative average of 2.0 at the time of nomination.

(4) Each ~~((representative))~~ voting member shall be entitled to only one seat at any associated student senate meeting.

(5) Impeachment:

(a) An impeachment measure may be moved against any member of the associated student senate by petition of two-fifths (2/5) of the membership of the associated student senate. Conviction shall require two-thirds (2/3) of the tabulated vote of the associated student body.

(b) An impeachment measure moved against any member shall disqualify him from participation in voting in his impeachment proceedings.

(c) The impeachment hearing must be held within one (1) week of the passage of the motion for impeachment.

~~((6) Vacancies occurring in an associated student senate position may be filled by an appointee of the group to be represented by the vacant position until the time of an election in the representative group. This election shall be held not later than four (4) weeks after the vacancy occurs and the person elected shall permanently fill the vacancy.))~~

~~((7))~~ (6) The associated student senate shall have the power to initiate and amend the associated student judicial code. Other duties and regulations of the legislature shall be set forth in the by-laws.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-040 EXECUTIVE BODY OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE. (1) The executive authority of the associated student body shall be vested in the offices of president, executive vice-president, activities vice-president, business vice-president, and publicity vice-president.

(2) Candidates for the offices of president, executive vice-president, activities vice-president, and business vice-president shall be members of the associated students, shall have completed one (1) quarter in residence at the time of nomination, shall have and maintain a minimum cumulative grade point average of 2.0, and shall have completed a minimum of ~~((24))~~ twenty-four (24) credit hours at the time of nomination, except the candidate of president, who shall have completed a minimum of ~~((36))~~ thirty-six (36) credit hours at the end of the spring quarter of his nomination.

(3) ~~((The candidates for the office of business vice-president shall be screened by the student senate and then by the administration prior to the primary elections.))~~ Candidates for the offices of the associated student body executive council shall file their names in the associated student body office within the first two (2) weeks of spring quarter.

~~((4) Candidates for the offices of the associated student body executive council shall file their names with the associated student secretary within the first week of spring quarter.))~~

~~((5))~~ (4) Offices shall be filled by the associated student body through a primary and final election.

(a) A primary shall be held for any office that has three or more candidates. The primary election shall be held during the fourth week of the spring quarter.

(b) The two candidates receiving the most votes in the primary election for an office shall be candidates for the office in the final election.

(c) The general (final) election shall be held two (2) weeks following the primary election.

(d) The candidates receiving the most votes for an office shall be considered elected to that office in the final election. In case of a tie, a run-off shall take place not earlier than five (5) days and not later than seven (7) days after the final election.

(e) The officers of the executive council shall hold office from the end of spring quarter to the end of the following spring quarter.

~~((6))~~ (5) Members of the associated student executive council shall not hold any other office in clubs or classes.

~~((7))~~ (6) Vacancies occurring in the executive council shall be filled by an associated student election not later than four (4) weeks after such vacancy occurs or by appointment of executive council with the approval of the associated student senate. The election of a candidate to fill the vacancy will be by majority vote.

~~((8))~~ (7) The duties and regulations of the executive council shall be set forth in the by-laws.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-050 JUDICIAL FUNCTION OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE.

(1) The judicial authority of the associated student body shall be vested in the judicial board of justice and the presiding appellate court.

(2) The judicial board shall have the power of final review over all actions arising under this constitution.

(a) The judicial board shall consist of the chief justice and four (4) associate justices.

(b) The chief justice shall be appointed annually ~~((from the members of the judicial board))~~ by the executive council with the consent of the associated student senate.

(c) An impeachment measure may be brought against an associate justice or chief justice by a petition signed by ~~((100))~~ one hundred (100) members of the associated student body of Walla Walla Community College, or by a majority vote of the associated student senate.

(d) The ~~((associate justices))~~ judicial board shall be appointed by the executive council with the consent of the associated student senate ~~((for the remainder of their college careers at Walla Walla Community College))~~ and shall possess the same qualifications as stated in WAC 132T-104-030(3), and shall be subject to impeachment. The associate justices shall be appointed by the chief justice and approved by the student senate, and will be appointed only in the event of student appeal.

(e) The judicial board of justice shall have original jurisdiction over disciplinary cases.

(3) The appellate court will be an appeal court for those found guilty by the judicial board.

(a) The appellate court will handle any cases involving suspension of students or student-faculty relations.

(b) The appellate court shall consist of three (3) students and four (4) faculty members. The student members shall be appointed by the executive council and approved by the student senate. A faculty member shall be the presiding justice and shall vote only in the occurrence of a tie. The college president shall nominate six (6) faculty members to serve on the appellate court. Of these, the student senate will choose four (4) to serve on the appellate court.

(c) The appellate court shall refer all cases to the college president, and he shall have the power to reverse the decisions of the appellate court.

NEW SECTION

WAC 132T-104-060 INITIATIVE, REFERENDUM, AND RECALL.

(1) The associated students shall have the right of initiative and recall and shall have the right of referendum.

(2) The procedure of initiative, referendum, and recall shall be set forth in the by-laws.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130,

but the text may be at variance with the previously codified version of the section.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-070 STANDING COMMITTEES. (1) The standing committees of the associated students shall be ~~((designated by))~~ registered in the by-laws. The by-laws shall also set forth the purpose and membership of such committees.

(2) Committee membership shall be filled ~~((annually))~~ by appointments of the executive council subject to ratification by the associated student senate by a majority vote.

(3) Appointees to standing committees and the student membership of joint committees shall possess the same qualifications as set forth in WAC 132T-104-030(3), provided that, the freshman members of the ~~((elections, legislative action, activities promotion, homecoming, finance, and academic affairs))~~ standing committees shall not be bound by such qualifications.

(4) The standing committees and the student membership of joint committees shall be responsible to the associated student senate and shall be administered by the executive council.

NEW SECTION

WAC 132T-104-080 AMENDMENTS. (1) Amendments to this constitution and by-laws shall be proposed by either a majority of the student senate or by a petition presented to the associated student secretary containing the valid signatures of at least ten percent (10%) of the members of the associated student body.

(2) The constitution shall be amended by a majority of the votes cast by the members of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.

(3) The by-laws shall be amended by a two-thirds (2/3) majority of the associated student senate and shall then be referred to the associated student body to be passed by a majority vote of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.

(4) A proposed constitutional amendment or amendment of the by-laws shall be submitted to an election within four (4) weeks after its proposal or presentation.

(5) Approved constitutional amendments and by-laws shall be incorporated into this constitution and the by-laws to which they refer.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130, but the text appears to be at variance with the previously codified version of the section.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

NEW SECTION

WAC 132T-104-090 CONSTITUTIONAL PRECEDENCE. The provisions of this constitution shall govern all charters and constitutions of student organizations of this college and shall take precedence over them in case of conflict. This constitution shall become effective upon adoption by the members of the associated student body and shall supersede all previous associated student constitutions. All standing orders, associated student council recognized constitutions, or legislation of any type in conflict with this constitution shall be void upon adoption by the associated student body.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130, but the text may be at variance with the previously codified version of the section.

NEW SECTION

WAC 132T-104-100 PARLIAMENTARY AUTHORITY. (1) The parliamentary authority of this organization shall be the most

current revision of Robert's Rules of Parliamentary Procedure, except in such cases as are covered by the by-laws of this constitution or by special rules adopted by the associated student body.

(2) All meetings of all organizations and agencies established by this constitution shall be conducted under Robert's Rules of Parliamentary Procedure.

(3) All student government meetings will be conducted by parliamentary procedure. A parliamentarian may be present at all meetings. The president of the associated student body may appoint a parliamentarian pro-tem in the absence of the parliamentarian.

(4) Parliamentarian for student senate is chief justice of our student court. The parliamentarian (chief justice) does not have a vote in student senate. He is required to attend all student senate meetings.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130, but the text may be at variance with the previously codified version of the section.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-110 ALLOCATION OF MONEY. (1) ~~((The associated student body president and the business vice-president may allocate expenditures of amounts up to twenty-five (25) dollars.))~~ Each associated student body-sponsored activity shall submit a budget to the finance committee spring quarter. The committee shall then appropriate the amount they (finance committee) deem necessary for the activity to function during the next year. They can then spend this money as the club and/or advisor see fit as long as state, college, and associated student body guidelines are followed. Complete monthly financial reports must be made to the student senate to keep them informed of group activities. All paper work regarding expenditures must be presented to the Activities Director for his signature well in advance of the event.

(2) ~~((The executive council of the associated student body may authorize expenditures of amounts up to one hundred (100) dollars.))~~ Requests for money must be put in writing and presented to the business vice-president, giving a detailed breakdown of what the money is to be spent for before any expenditures shall be authorized.

(3) ~~((Authorizations for expenditures of amounts over one hundred (100) dollars must come from the associated student senate.))~~ Nonfunded activities and all other expenditures shall follow the prescribed associated student body procedures.

(4) ~~((Each club shall submit a budget to the finance committee spring quarter. The committee shall then appropriate the amount they (finance committee) deem necessary for the club to function during the next year.))~~ The associated student body president and the business vice-president may allocate expenditures of amounts up to twenty-five (25) dollars.

(5) ~~((Requests for money exceeding twenty-five (25) dollars must be put in writing and presented to the business vice-president giving a detailed breakdown of what the money is to be spent for before any money is to be allocated.))~~ The executive council of the associated student body may authorize expenditures of amounts up to one hundred (100) dollars.

(6) ~~((Authorizations for expenditures of amounts over one hundred fifty (150) dollars require a two-thirds (2/3) majority vote of the student senate.))~~ Authorizations for expenditures of amounts over one hundred (100) dollars must come from the associated student senate with a two-thirds (2/3) majority vote.

(7) Authorization for expenditures of amounts over one hundred (100) dollars will be automatically tabled for one week. ~~((If extenuating circumstances arrive, student senate may move to an immediate vote on the authorization. This motion requires all present members of student senate and the chair to agree that an immediate vote is necessary. If there is even 1 vote in opposition the motion fails.))~~

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-120 WALLA WALLA COMMUNITY COLLEGE CLUBS AND ORGANIZATIONS. (1) Each club, which has been approved by the associated student senate, shall have one (1) voting seat in the associated student senate, providing the club has ten (10) active members.

(2) Each club will be required to have a constitution. A faculty advisor is not required, but advised.

(3) Any new club wishing to have a voting seat in the student senate is required to have been in existence (active) for a minimum of five (5) successive weeks (-), including attendance at five (5) successive associated student body meetings.

(4) All monies which have been allocated and spent by a club shall be accounted for in a written report to be submitted to the executive council no later than two (2) weeks after the expenditures have occurred.

(5) Missing three (3) associated student body student senate meetings in one (1) quarter forfeits all voting rights, as well as ability to spend associated student body monies until five (5) successive meetings have been attended.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-121 CORP. (1) The executive vice-president of Walla Walla Community College shall represent the associated students of Walla Walla Community College in CORP (Council of Representatives and Presidents). The associated student body president or president's appointee will be Walla Walla Community College's alternate representative.

(2) The Executive Council may appoint with student senate approval an individual to keep correspondence and/or generally abreast of what the organization is doing. The appointed individual may never vote or state what stand our campus has on any issue unless two-thirds (2/3) of the student senate give their express approval. This may never be broad voting powers, but only on specific items to be decided on by CORP where our vote and/or opinion is desired.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-130 COMPENSATION FOR OFFICERS OF THE WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The associated student body officers (executive council) shall receive full tuition and thirty (30) dollars books per quarter.

(2) At the end of every quarter the executive council and the ((A.S.B.)) associated student body advisor shall meet to determine the job done by sophomore and freshman senators and cheerleaders. This will be a closed meeting. The ((E)) executive council may make the following recommendations.

- (a) Changes in specific jobs.
- (b) Having individuals switch jobs.
- (c) Requesting that a student senator resign.
- (d) Reimburse a student senator for ((+/-)) one-half (1/2) of the last quarter's in-state tuition. (((\$41.50)-))
- (e) Recommend students or student for Outstanding Student for the past quarter.

(3) The ((E)) executive council's recommendations shall be printed in the weekly bulletin prior to the student senate meeting where action on said recommendation is to be ((made)) taken. Students under section (d) must turn into the student senate a summary form of what they did ((for)) the preceding quarter before they are eligible to receive ((their)) money.

(4) Candidates that are selected by the executive council must be ratified by a vote of two thirds (2/3) majority of student senate.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132T-104-200 BY-LAWS. WAC 132T-104-210 through WAC 132T-104-280 now or as hereafter amended are hereby declared to be by-laws of this constitution.

Reviser's Note: The above section purports to be new; however it has existed under the WAC number shown since its adoption in 1973. No changes have been shown in the style required by WAC 1-13-130, but the text may be at variance with the previously codified version of the section.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-210 DUTIES OF OFFICERS OF WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) ((ASB)) The Associated Student Body President shall preside over all meetings of the executive council and joint meetings

with the associated student senate. The president shall make all appointments subject to the approval of the executive council and/or student senate unless otherwise provided for in this constitution and its by-laws. He shall be responsible for the coordination of the entire associated student senate. He shall be an ex-officio non-voting member of the associated student senate and committees with the exception of executive council ((or Athletic Planning Committee)) or in the occurrence of a tie. The president shall be the official representative of the associated student senate and the executive council. He is chairman of the Athletic Activities Budget Committee. He is required to assist with:

- (a) Fairbooth
- (b) Registration
- (c) A.S.B. elections
- (d) Freshman orientation
- (((c)) Tri-college organization)
- (((f)) (e) Spring week and homecoming activities
- (((g)) (f) Spring retreat
- (((h)) (g) Presidents meetings
- (((i)) (h) Student handbook
- (((j)) (i) Attend Board of Trustee's meetings

(2) Executive Vice President - He shall assist the president in his duties and shall assume the duties of the president in his absence. His most important ((job)) duty is to get more people involved in student government. He is to keep up-to-date and precise records of clubs' officers and all people in student government (names and phone no. etc.). He is a student representative on all school committees (example: CORP, curriculum, graduation, etc.). ((He is required to attend all Club Council meetings. Failure to attend 5 meetings unexcused is grounds for impeachment.)) He is required to assist with:

- (a) Fairbooth
- (b) He is chairman of registration
- (c) A.S.B. elections
- (d) Freshman orientation
- (((c)) Tri-college organization)
- (((f)) (e) Spring retreat
- (((g)) (f) Spring week and homecoming activities
- (((h)) (g) President meetings
- (((i)) (h) Student handbook
- (((j)) (i) Athletic Activities Budget Committee

(3) Activities Vice-President - He shall be responsible for the activities program at ((WWCC)) Walla Walla Community College. ((and shall serve as chairman and preside over the Club Council.)) He shall appoint all necessary ((officers and have a vote in the event of a tie. He shall be an ex-officio, non-voting member of all committees of the Club Council.)) activities committee members. He must assist with:

- (a) Fairbooth
- (b) Registration
- (c) A.S.B. elections
- (d) Freshman orientation
- (((c)) Tri-college organization)
- (((f)) (e) Spring retreat
- (((g)) (f) Student handbook
- (((h)) (g) Athletic Activities Budget Committee
- (((i)) Budget Committee)

(4) Publicity Vice-President - He shall be responsible for promoting Walla Walla Community College. He is also in charge of the fair-booth, ((tri-college game,)) and promoting our school to the community, especially the high school seniors in our district. He is required to assist with:

- (((a)) Registration)
- (((b)) (a) A.S.B. elections
- (((c)) (b) Freshman orientation
- (((d)) (c) Spring retreat
- (((e)) (d) Student handbook
- (((f)) (e) Athletic Activities Budget

(5) Business Vice-President - The associated student body business vice-president shall be responsible for all financial matters of the associated student body of ((WWCC)) Walla Walla Community College, and shall act as financial advisor to all subsidiary organizations of the ((WWCC)) Walla Walla Community College associated student body. The business vice-president shall maintain in an efficient manner all financial records of the ((WWCC)) Walla Walla Community College associated student body and shall submit a financial report to the executive council and the associated student senate at the termination of each academic quarter or at their request. The business vice-president

shall prepare the ~~((WVCC))~~ Walla Walla Community College associated student body budget with the aid of a budget committee ~~((appointed by the associated student senate))~~. The business vice-president must have qualifications such as bookkeeping and accounting, necessary to effectively manage the student budget. Must assist with:

- (a) Fairbooth
- ~~((b) Registration))~~
- ~~((c))~~ (b) A.S.B. elections
- ~~((d))~~ (c) Freshman orientation
- ~~((e) Tri-college organization))~~
- ~~((f))~~ (d) Spring retreat
- ~~((g))~~ (e) Student handbook
- ~~((h))~~ (f) Athletic Activities Budget Committee
- ~~((i) Budget Committee))~~

(6) Executive council, student senators, and representatives are required to pass a minimum of 12 credits per quarter.

(7) Executive council officers are required to be in the A.S.B. offices an average minimum of 1 hour a day. (It is recommended that they work a minimum of 10 hours a week for A.S.B.)

(8) Executive council, student senators, and representatives are required to attend all student senate meetings. Three unexcused absences per quarter may ~~((mean))~~ be grounds for impeachment or expulsion with loss of all rights and monies.

(9) Executive council officers may not take more than 18 credit hours without the express approval of the student senate.

(10) Executive council officers attempting to get a grade for being an officer must submit to ~~((student senate))~~ the Director of Student Activities a summary report form of what they did for last quarter. ~~((Student senate then votes on what grade the officer should receive. The grade also must meet the approval of the Dean of Students.))~~ The Director of Student Activities determines the grade.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-220 JUDICIAL BOARD OF WALLA WALLA COMMUNITY COLLEGE. (1) The office of chief justice shall be a full-time job with reimbursement of one-half in-state tuition. He will have his own ~~((desk and))~~ mailbox. ~~((He will report to the associated student body president at least once a day on school days.))~~

(2) ~~((The executive council may call for a judicial board meeting on 24 hours notice any time it deems such a meeting necessary.))~~ The chief justice is responsible only to the constitution and the dean of students.

(3) ~~((The chief justice may call for a judicial board meeting on 24 hours notice when he deems it necessary.))~~ The judicial board shall meet within one (1) week after receiving business brought before it.

(4) ~~((The chief justice is responsible only to the constitution and the dean of students.))~~ The chief justice shall have the power to make decisions without a board meeting where a precedent has been made. This shall be open to challenge. If the chief justice is challenged, the case will be brought before the board.

(5) ~~((The judicial board shall meet within one (1) week after receiving business brought before it.))~~ Any case, before being brought before the judicial board, must first be appealed by the student to the instructor who is concerned. If satisfaction is not received from this appeal, the student then may appeal to the dean of students. If the student is still not satisfied, he may then appeal through the judicial board. Proof that the above steps have been carried out must be submitted by the student to the judicial board.

(6) ~~((The chief justice will have the power to make decisions without a board meeting where a precedent has been made. This shall be open to challenge. If the chief justice is challenged, the case will be brought before the board.))~~ The chief justice, as A.S.B. parliamentarian, is an ex-officio non-voting member of the student senate.

(7) ~~((Any case, before being brought before the judicial board, must first be appealed by the student to the teacher who is concerned. If satisfaction is not received from this appeal, the student then may appeal to the dean of students. If the student is still not satisfied, he may then appeal through the judicial board. Proof that the above steps have been carried out must be submitted by the student to the judicial board.))~~ Three (3) unexcused absences per quarter may be grounds for impeachment or expulsion, with the loss of all rights and monies.

(8) ~~((Chief Justice as A.S.B. parliamentarian, is an ex-officio non-voting member of student senate.))~~ The chief justice is a member of election committee.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-~~((140))~~104-230 THE APPELLATE COURT OF WALLA WALLA COMMUNITY COLLEGE. (1) ~~((The judicial board may call for an appellate court meeting on 48 hours notice.))~~ The appellate court shall be formed within one (1) week of any student appeal made to the chief justice.

(2) ~~((The president of the college may call an appellate court meeting on 24 hours notice.))~~ The appellate court shall be responsible only to the associated student body constitution and the president of the college, and shall perform their duties in a just manner.

(3) ~~((The appellate court presiding justice may call an appellate court meeting on 24 hours notice.))~~ No names brought before the appellate court will be made known to anyone except the president of the college, the dean of students, and the president of the associated student body.

(4) ~~((The appellate court shall be responsible only to the associated student body constitution and the president of the college, and shall perform their duties in a just manner.))~~ The principle involved in any appellate court proceedings may and should be made known to all members of the college. A record of the court proceedings shall be known in public in writing to the associated student body.

~~((5))~~ No names brought before the appellate court will be made known to anyone except the president of the college, the dean of students, and the president of the associated student body.))

~~((6))~~ The principle involved in any appellate court proceedings may and should be made known to all members of the college. A record of the court proceedings shall be known in public in writing to the associated student body.))

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-240 SOPHOMORE AND FRESHMAN SENATORS. (1) ~~((There shall be a minimum of five sophomore and five freshman senators, however, there may be more than ten sophomore and freshman senators in the student senate.))~~ There shall be four (4) sophomore senators appointed by the student senate in the spring prior to their year in office. They officially take office when the new executive council takes office. Sophomore and freshman senators will be appointed in the following manner:

(a) Executive council announces that they are seeking sophomore and/or freshman senators in the school newspaper and weekly bulletin.

(b) Persons wishing to seek a position, turn into an executive officer a resume within two (2) weeks after the first announcement is made.

(c) Executive council screens the people applying for the positions. They then recommend to the student senate the people that they feel are qualified for the positions. They may recommend as many people to a position as they feel are qualified, example: Two (2) or more people may be recommended for position 1.

(d) The student senate then votes on the person desired for that position. A student senator must receive a two-thirds (2/3) majority vote from the student senate to be a sophomore or freshman senator.

(2) ~~((There shall be 4 sophomore senators appointed by A.S.B. in the spring prior to their year in office. They officially take office when the new executive council takes office. Sophomore and freshman senators will be appointed in the following manner:))~~

(a) Executive council announces that they are seeking sophomore and/or freshman senators in the school newspaper and weekly bulletin.

(b) Persons wishing to seek a position, turn into an executive officer a resume within two weeks after the first announcement is made.

(c) Executive council screens the people applying for the positions. They then recommend to student senate the people that they feel are qualified for the positions. They may recommend as many people to a position as they feel are qualified, example: 2 or more people may be recommended for position 1.

(d) Student senate then votes on the person desired for that position. A student senator must receive a 2/3 majority vote from student senate to be sophomore or freshman senator.)) Positions:

(a) Position 1 – Sophomore and freshman senators. They are student intramural directors. They plan intramural programs with the college intramural director. They are required to attend all associated student body meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office.

(b) Position 2 – Sophomore and freshman senators. They are activities senators. They attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office.

(c) Position 3 – Sophomore and freshman senators. Their duties shall include buying equipment, campus beautification, improving the constitution, and getting more people involved in our school activities. They are required to attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office.

(d) Position 4 – Sophomore or freshman senator. The publicity senator is in charge of making posters, approving them, and making sure that all posters are taken down within twenty-four (24) hours after their use has been fulfilled. Missing three (3) A.S.B. meetings may be grounds for removal from office.

(e) Position 5 – Freshman or sophomore senator. This person is responsible for publishing the weekly bulletin and assisting the school newspaper whenever possible. He must attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office.

(f) Positions 6 and on – These are left up to the imagination of the people applying. They may be varied as to the needs of the associated student body. Missing three (3) meetings may be grounds for removal from office.

~~((3))~~ Positions:

(a) Position 1 – Sophomore and freshman senators. They are intramural directors. They plan intramural programs with the intramural coach. They assist the publicity vice-president at the tri-college game. They are required to attend all A.S.B. meetings. Missing five A.S.B. meetings is grounds for removal from office.

(b) Position 2 – Sophomore and freshman senators. They are activities senators. They attend all A.S.B. meetings. Missing five A.S.B. meetings is grounds for impeachment.

(c) Position 3 – Sophomore and freshman senators. Their duties would include buying equipment, campus beautification, improving the constitution, and getting more people involved in our school activities. They are required to attend all A.S.B. meetings. Missing five A.S.B. meetings is grounds for impeachment.

(d) Position 4 – Sophomore or freshman senator. Only one person has this office. If a sophomore has this position then position 4 for a freshman is under section 7 and vice versa. The publicity senator is in charge of making posters, approving them, and making sure that all posters are taken down within 24 hours after their use has been fulfilled. Missing five A.S.B. meetings is grounds for impeachment.

(e) Position 4 – Freshman or sophomore senator. This person is responsible for publishing the weekly bulletin and assisting the school newspaper whenever possible. He must attend all A.S.B. meetings. Missing five A.S.B. meetings is grounds for impeachment.

(f) Positions 5 and on – These are left up to the imagination of the people applying. They may be varied as to the needs of the associated student body. Missing five meetings is grounds for impeachment.)

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

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-250 LEADERSHIP AWARDS. (1) Five (5) awards, consisting of \$20.00, ~~((with))~~ may be awarded.

(2) Voting members of the executive council shall be excluded.

(3) Candidates shall exhibit enthusiasm and shall participate in school activities.

(4) Candidates shall have, at the time of the award, a 2.0 cumulative grade average.

(5) The candidates shall have exhibited a willingness to sacrifice ~~((his))~~ their personal time to participate in the planning and organizing of school activities.

(6) Candidates will be selected by the executive council and ratified by a vote of two-thirds (2/3) majority of student senate.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-260 ELECTIONS. (1) There shall be two (2) persons at the place of polling at all times. One (1) shall be a member

of the executive council and ~~((one (1) shall be a member of the judicial board))~~/or the chief justice of the judicial board.

(2) The chief justice of the judicial board, or the chief justice pro-tem, and two (2) executive council members shall be present at the counting of the ballots.

(3) All persons holding an associated student body card shall be eligible to vote. This includes part-time students, faculty, administration, and classified employees.

(4) The elections shall be held from 1:00 p.m. to 9:00 p.m. on the first election day, and from 9:00 a.m. to 3:00 p.m. on the second (last) election day. There shall be no election held on Friday.

(5) An associated student body card must be presented and punched at the time of voting. A book must be signed by the student prior to voting.

(6) No campaigning will be permitted within the room, nor any loitering within twenty-five (25) feet from the voting area. Campaigning shall be defined to include posters and handbills.

(7) The results of the election shall be made known and posted in the student lounge no later than twenty-four (24) hours after the closing of the polls.

(8) Except in the case of a handicapped individual, only one person at a time shall be admitted in the voting booth or machine ~~((at a time))~~.

(9) All voting in associated student body, public, and special elections shall be done by secret ballot.

(10) There shall be an election committee composed of the ~~((judicial board))~~ chief justice and the executive council.

(11) The ~~((ten (10)))~~ six (6) members of the election committee shall be divided into two (2) groups of ~~((five (5)))~~ three (3) members each. The chief justice and two (2) members from each group shall compose the campaign committee. The associated student body president and two (2) members from each group shall compose the election committee. The members from the committees shall be chosen ~~((from the available))~~ by the associated student body president and the chief justice together.

(12) The election committee shall preside over all associated student body, public, and special elections. This committee shall enforce all rules of campaigning.

(13) Any challenge of the election committee shall be referred to the appellate court.

(14) Any challenge of the voting must be made within twenty-four (24) hours of the closing of the polls.

(15) All write-ins shall be permitted on both primary and general elections.

(16) A write-in vote will be acceptable and counted when it is recognizable as belonging to a certain person.

NEW SECTION

WAC 132T-104-270 INITIATIVE AND REFERENDUM. (1) If any legal voter or organization of legal voters of Walla Walla Community College desires to petition the associated student senate to enact a proposed measure, or to submit a proposed measure to the people, or to order that a referendum of any act, or any part thereof, passed by the associated student senate be submitted to the students, he or they shall file in the office of the associated student body secretary five (5) printed or typewritten copies of the measure proposed, or of the act or part thereof on which a referendum is desired, accompanied by the name and address of the proposer, and by an affidavit that the proposer (if an individual) is, or that the members of the proposer (if an organization) are legal students.

(2) Initiative measures proposed to be submitted to the students must be filed with the associated student body secretary within two (2) months prior to the election at which they are to be submitted, and the petitions, therefore, must be filed with the associated student body secretary not less than one (1) month before the next general election.

(3) Petitions ordering that acts or parts of acts passed by the associated student senate be referred to the students at the next ensuing election, shall be substantially in the following form:

Warning: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal student, or who makes herein any false statement, shall nullify the petition.

Petition for Referendum

To the Honorable Secretary of the Associated Students of Walla Walla Community College: We, the undersigned students of Walla Walla Community College and legal students set opposite our names, respectfully order and direct that Referendum Measure No., entitled (here insert the established ballot title of the measure) being a (or part or parts of an) act passed by the of Walla Walla Community College at the last special session of said legislature, shall be referred to the students of Walla Walla Community College for their approval or rejection at the special election to be held on the day of, A.D., 19..: and each of us for himself says: I have personally signed this petition: I am a legal student of Walla Walla Community College, and my residence is correctly stated.

Petitioner's Signature Address
1.
2.
etc.

(4) ((When)) ((the)) The person or organization proposing any initiative measure ((has secured)) shall secure upon any such initiative petition the signatures of legal students equal in number to or exceeding eight (8) per cent of the whole number of legal students.

(5) The time for submitting initiative or referendum petitions to the associated student body secretary for filing is as follows:

(a) A referendum petition ordering and directing that the whole or some part ((of)) or parts of an act passed by the student senate be referred to the students for their approval or rejection at the next ensuing general election or a special election ordered by the student senate, must be submitted not more than ninety (90) days after the final adjournment of the session of the student senate which passed the act.

(b) An initiative petition proposing a measure to be submitted to the students for their approval or rejection at the next ensuing general election must be submitted not less than two (2) months before the date of such election.

(6) Upon any initiative or referendum petition being submitted to the associated student body secretary for filing, he may refuse to file it upon any of the following grounds:

- (a) That the petition is not in proper form.
(b) That the petition clearly bears insufficient signatures.
(c) That the time within which the petition may be filed has expired.

(7) In case of refusal, the associated student body secretary shall endorse on the petition the word "submitted" and the date, and retain the petition pending appeal. If none of the grounds for refusal exists, the associated student body secretary must accept and file the petition.

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

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-280 THE RECALL. (1) Initiating recall proceedings-statement-contents-verification. Wherever any legal student or committee or organization of Walla Walla Community College students desire to demand the recall and discharge ((or)) of any elective public officer of Walla Walla Community College, as the case may be, he or they shall prepare a printed or typewritten charge, reciting that such officer, naming him and giving the title of his office, has committed an act or acts of malfeasance while in office. The charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons making the same, ((given)) who shall give their respective addresses, and be verified under oath that he or they believe the charge or charges to be true.

(2) The recall petition shall be filed in the office of the associated student body secretary.

(3) Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed for the recall and discharge of an officer a petition substantially in the following form:

Warning: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when

he is not a legal student of Walla Walla Community College, or herein makes a false statement, shall nullify the recall petition.

Petition for the recall of
(here insert name of the person
whose recall is petitioned for)

To the Honorable (here insert the name and title of the officer with whom the charge is filed):

We, the undersigned students of Walla Walla Community College set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office for and on account of ((f)) his having committed the act or acts of malfeasance or misfeasance while in office, in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal student of Walla Walla Community College; and my residence address is correctly stated.

Petitioner's Signature Address
1.
2.
etc.

(4) When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition he or it may submit the same to the officer with whom the charge was filed for filing in his office. The number of signatures required shall be as follows: In the case of a member of the associated student senate, signatures of legal students equal to twenty-five (25) per cent of the total number of votes cast for all candidates for the office ((to)) when the officer whose recall is demanded was elected at the preceding election.

(5) Upon the filing of a recall petition in his office, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five (5) or more than ten (10) days from the date of its filing.

(6) The special election to be called for the recall of officers shall be conducted in the same manner as primary or general elections, as the case may be, are conducted. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge, and shall be so arranged that any voter can, by making one cross (x) express his desire to have the officer charged recalled from his office, or retained therein.

(7) Upon the completion of the canvass of the returns of any recall election, the result shall be published in the manner required by law for the publication of the results of general elections. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall be dismissed from his office, and the office shall thereupon become and be vacant.

Reviser's Note: WAC 1-13-130 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 78-07-032
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed June 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners, intends to adopt, amend, or repeal rules concerning WAC 296-11-001, 296-11-003, 296-116-010, 296-116-020, 296-116-030, 296-116-040, 296-116-060, 296-116-070 and 296-116-205 relating to general rules, index to documents, meetings of the

board, quorum, board personnel, fees and vessel certification;

that such agency will at 10:00 a.m., Thursday, August 10, 1978, in the Conference Room, Washington State Ferries, Pier 52, Seattle, WA 98104 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, August 10, 1978, in the Conference Room, Washington State Ferries, Pier 52, Seattle, WA 98104.

The authority under which these rules are proposed is chapter 88.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 9, 1978, and/or orally at 10:00 a.m., Thursday, August 10, 1978, Conference Room, Washington State Ferries, Pier 52, Seattle, WA 98104.

Dated: June 21, 1978

By: Richard A. Berg
Chairman

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68.)

WAC 296-11-001 GENERAL RULE AND INFORMATION. The ~~((chairman))~~ chairperson of the board of pilotage commissioners is the ~~((director of the department of labor and industries))~~ secretary of transportation of the state of Washington or the secretary's designee. Information regarding the pilotage act, complaints and other matters coming under the provisions of the pilotage act and the board's rules and regulations may be handled by contacting the ~~((director))~~ chairperson or the board's secretary in person or in writing at the ~~((department of labor and industries))~~ ~~((Olympia))~~ Seattle Washington 98104. All public documents in the custody of the board may be obtained upon request made to the chairperson of the board of pilotage commissioners, Pier 52, Seattle, Washington 98104. Any matter filed with the ~~((director))~~ chairperson and/or the secretary will be brought to the attention of the board at its next regular meeting, the date of which is the first Thursday of each month. Persons desiring to do so may also attend the board meetings, which are held ~~((in the))~~ at Pier 52, Seattle, Washington ~~((offices of the department of labor and industries))~~.

The purpose and scope of activity of the board of pilotage commissioners is set out in chapter 88.16 RCW and is as follows:

Scope: (1) Puget Sound ~~((and adjacent inland waters))~~ pilotage district. (2) Grays Harbor and Willapa Bay pilotage district.

Purpose: (1) ~~((Protection of shipping and safety of human life.~~

- (2) Maintain efficient and competent pilotage service.
- (3) Examining proficiency of potential pilots.
- (4) Licensing pilots.
- (5) Regulating pilots.
- (6) Enforcing use of pilots.
- (7) Compensation of pilots.
- (8) Record monies earned by pilots, vessels piloted and mileage piloted.

(9) Receive and investigate reports of accidents.
(10) Hold hearings on complaints of misconduct or negligence of pilots, nonpayment of pilotage fees, nonuse of pilots when required or such other violations of the pilotage act as may be filed by interested parties.) The purpose of the board of pilotage commissioners is to prevent the loss of human lives, loss of property and vessels and to protect the marine environment by maintenance of a competent and efficient pilotage service on the state's waters. Toward this end the board examines proficiency of potential pilots, licenses pilots, regulates pilots, enforces the use of pilots, sets pilotage rates, receives and investigates reports of accidents involving pilots, keeps records of various matters affecting pilotage and fulfills other responsibilities enumerated in chapter 88.16 RCW.

NEW SECTION

WAC 296-11-003 INDEX TO DOCUMENTS. The board of pilotage commissioners finds that the preparation and maintenance of an index to documents as required by RCW 42.17.260 would be unduly

burdensome. Therefore, such an index will not be maintained. This undue burden is caused by the fact that the board of pilotage commissioners is a small agency of the state of Washington operating with a limited amount of financial resources. Because of the agency's size, its records are organized in an effective and straightforward manner which renders them accessible to the general public without resort to an index as envisioned in RCW 42.17.260. All indexes which are maintained for agency use will be available for public inspection.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-010 TIME AND PLACE OF MEETING. The regular monthly meeting of the board of pilotage commissioners shall be ~~((held))~~ on the first Thursday of each month at ~~((10:00))~~ 9:00 a.m. at ~~((the Seattle office of the department of labor and industries))~~ Pier 52, Seattle, Washington in the offices of the Washington state ferries unless another time and place has been designated by the ~~((chairman))~~ chairperson at the last previous meeting. If the aforementioned day falls on a holiday, the meeting shall take place on the following Thursday at the same hour.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-020 SPECIAL MEETING. A special meeting of the board of pilotage commissioners may be called by the ~~((chairman))~~ chairperson, or by any two members of the board, by serving notice, in writing, upon all other members of the board not less than five days prior to the meeting date. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour and place of such meeting and shall be in conformance with the provisions of chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-030 EMERGENCY MEETING. An emergency meeting may be called by the ~~((chairman))~~ chairperson, or by any two members of the board without notification whenever an accident of any importance, such as stranding, collision or the like, shall occur to any vessel while utilizing the services of a state licensed pilot, for the purpose of making an investigation into the cause of such accident. The findings of such an emergency meeting shall be submitted to the board for appropriate action at the next regular monthly meeting.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-040 QUORUM DEFINED. ~~((Three))~~ Five members of the board ~~((one of whom shall be the chairman, or duly appointed acting chairman, and one industry member and one pilot member))~~ shall constitute a quorum ~~((for the transaction of business and no business shall be transacted by the board, at any meeting, unless a quorum be present)).~~

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-060 PERSONNEL. The board shall employ the necessary personnel for the conduct of its business following the personnel practices and salary schedules of the ~~((department of labor and industries))~~ Washington state ferries.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-070 COLLECTION OF FEES. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such ~~((fees or other moneys))~~ funds to the ~~((department of labor and industries for deposit to the credit of the))~~ pilotage ~~((fund))~~ account.

NEW SECTION

WAC 296-116-205 VESSEL CERTIFICATION. (1) Upon boarding a vessel in the Puget Sound or Grays Harbor and Willapa Bay pilotage districts, a pilot shall request on the form provided below that the master of the vessel certify that: (a) the engine room is staffed, able to maneuver, and all related equipment is in good order; (b) there are no defects listed against the ship by the United States Coast Guard; (c) the vessel is not leaking oil; (d) the vessel is experiencing no propulsion or maneuvering difficulties.

If the master is unable to certify that all of the above conditions are met, he shall be asked to certify that the United States Coast Guard

captain of the port has been notified of said deficiencies and has authorized the vessel to proceed and that the condition will be corrected before the vessel leaves Washington state waters.

If the master is unable or unwilling to certify that either of the above are the case, the pilot shall not offer pilotage services to said vessel. Instead, the pilot shall disembark from the vessel as soon as practicable, immediately inform the port captain of the conditions and circumstances by the best possible means and forward a written report to the board of pilotage commissioners no later than 24 hours after disembarking from the vessel.

(2) Upon boarding vessels in either the Puget Sound pilotage district or the Grays Harbor and Willapa Bay pilotage district, the pilot shall also request to see the vessel's SOLAS certificate, home inspection documents, Federal Maritime Commission certificate of financial responsibility and the vessel's hazardous cargo manifest.

The pilot shall also inspect the following of the ship's equipment and conditions and indicate their suitability:

UHF radio, channels 13, 14; radar; gyrocompass; rudder angle indicator; fathometer; whistle; magnetic compass/deviation tables; wheelhouse staffed by officer and helmsman, one of whom speaks English; local, up-to-date charts; and wheelhouse to engine room communications.

(3) The form appearing in WAC 296-116-2051 shall be used by pilots and masters in complying with the above requirements.

NEW SECTION

WAC 296-116-2051 VESSEL CERTIFICATION FORM.

Washington State Board of Pilotage Commissioners
READINESS REQUIREMENT CHECK LIST

Date:
Vessel Name:
Registry No.:

MASTER'S CERTIFICATE - VESSEL IN COMPLIANCE

I,, Master of the above-named vessel, certify the following indicated information:

- The engine room is staffed, the engine is able to maneuver, and all related equipment is in good order.
There are no defects listed against this ship by the U. S. Coast Guard.
This vessel is not leaking oil.
This vessel is experiencing no propulsion or maneuvering difficulties.

Date

Master's Signature

MASTER'S CERTIFICATE - VESSEL NOT IN COMPLIANCE

I,, Master of the above-named vessel am unable to certify this vessel's compliance with the following of the above-listed requirements:

I do certify, however, that the U. S. Coast Guard captain of the port has been notified of such conditions and has authorized the vessel to proceed and that the condition will be corrected before the vessel leaves Washington State waters.

Date

Master's Signature

PILOT'S CERTIFICATE

I,, Puget Sound Pilot, certify that upon boarding the above-named vessel on this date:

- 1) I requested to see the vessel's SOLAS Certificate, Home Inspection documents, FMC certificate of financial responsibility, and the vessel's hazardous cargo manifest, and that I was able/unable to see all of these documents (if documents were unavailable for inspection, please explain which ones and why).
2) I inspected the ship's equipment and conditions listed below and found them to be as indicated:

Table with 3 columns: Equipment, Acceptable, Deficient. Rows include UHF Radio, Channels 13, 14; Radar; Gyrocompass; Rudder Angle Indicator; Fathometer; Whistle; Magnetic Compass/Deviation Tables; Wheelhouse staffed by officer and helmsman, one of whom speaks English; Local, up-to-date charts; Wheelhouse to engine room communications.

- 3) I have informed the Coast Guard Captain of the Port of any deficiencies noted above.

Pilot's Signature

WSR 78-07-033
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed June 22, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing, intends to adopt, amend, or

This is out from

repeal rules concerning supervision of registered apprentice dispensing opticians. (The Department is considering three alternative proposals; copies of the proposed rules are attached; however, changes may be made at the public hearing.);

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 29, 1978, in the 2nd Floor Conference Room, Highways-Licenses Building, Olympia, WA.

The authority under which these rules are proposed is RCW 18.34.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 29, 1978, and/or orally at 11:00 a.m., Thursday, June 29, 1978, 2nd Floor Conference Room, Highways-Licenses Building, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-05-061 filed with the code reviser's office on April 27, 1978.

Dated: June 22, 1978

By: Jaqueline B. Rosenblatt
Assistant Attorney General

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of a dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) inspect a substantial portion of the apprentice's work;

(b) be physically present on the premises, during the first year, where the apprentice is working and available for consultation with the apprentice 100% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 2,000 hours, and have available at each location where an apprentice is working a monthly log with verification by initial, of both the licensed supervisor and the apprentice, to be shown upon request made by the state;

(c) the remaining two years be physically present on the premises where the apprentice is working and available for consultation with the apprentice 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in the second and third years of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours each year; and

(d) except that in the case of fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

PROVIDED, HOWEVER, That such supervisor shall not be absent from such premises for longer than 10 consecutive business days after the first year, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of a dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) inspect a substantial portion of the apprentice's work;

(b) be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor and the apprentice to be shown upon request made by the state; and

(c) except that in the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

PROVIDED, HOWEVER, That such supervisor shall not be absent from such premises for longer than 10 consecutive business days, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. ((For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.))

(1) "Direct supervision" shall mean, except in the case of the fitting or adjusting of contact lenses, that the supervising optician, optometrist, or physician be physically present on the premises where the apprentice is working, a minimum of 80% of the time claimed as apprenticeship training until such time as the apprentice has passed a preliminary examination which tests the practical abilities of the apprentice. After the apprentice has passed the preliminary examination, the apprentice shall receive such supervision as the supervising optician, optometrist, or physician deems necessary in light of the experience and ability of the apprentice. The supervising optician, optometrist, or physician shall maintain records evidencing the level and type of supervision provided to each apprentice being trained.

In the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

(2) "Preliminary examination" shall mean an examination drafted by the State which shall cover the following areas of knowledge:

(a) Theoretical Information from "American Optical Elements of Optics"

(b) Practical Ability

i. Use of the Lensometer

ii. Use of hand tools

iii. Ability to measure bifocals and trifocals

iv. Ability to measure pupillary distance

v. Ability to measure cataract lenses

vi. Knowledge of adjustment techniques

vii. Ability to transpose a prescription[s] to a work order

The examinations shall be administered by the supervising optician, optometrist or physician who shall certify to the State when the apprentice passes the examination.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-27-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

WSR 78-07-034

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-40—Filed June 23, 1978]

I, Gordon Sandison, director of 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 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 all conservation closures affecting treaty Indian fishing may remain in force only 30 days by order of the U. S. District Court. This order is necessary to renew regulations protecting Puget Sound spring chinook and Lake Washington sockeye.

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 June 23, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-006FOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of the Dungeness River.

NEW SECTION

WAC 220-28-006GOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of the Elwha River.

NEW SECTION

WAC 220-28-007BOH CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 7B.

NEW SECTION

WAC 220-28-007COF CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 7C.

NEW SECTION

WAC 220-28-007FOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of the Nooksack River.

NEW SECTION

WAC 220-28-008BOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 8B.

NEW SECTION

WAC 220-28-008COB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 8C.

NEW SECTION

WAC 220-28-008FOC CLOSED AREA Effective immediately and through those times and in those areas of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

(a) Effective immediately, through July 7, 1978 from Hamilton upstream to "Old Faber Ferry Landing", above Concrete.

(b) Effective immediately, through September 16, 1978 from "Old Faber Ferry Landing", above Concrete upstream including all tributaries.

NEW SECTION

WAC 220-28-008GOB CLOSED AREA Effective immediately and through those times in those areas of the Snohomish River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

(a) Immediately through June 30, 1978 downstream from the confluence of the Skykomish and Snoqualmie Rivers.

(b) Immediately through September 16, 1978 upstream from the confluence of the Skykomish and Snoqualmie Rivers.

NEW SECTION

WAC 220-28-008HOB CLOSED AREA Effective immediately and through those times and in those areas of the Stillaguamish River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

(a) Immediately through June 30, 1978 downstream from the confluence of the North and South Forks.

(b) Immediately through September 16, 1978 all waters of the North Fork.

(c) Immediately through September 16, 1978 all waters of the South Fork.

NEW SECTION

WAC 220-28-010FOB CLOSED AREA Effective immediately and through those times and in those areas of the Green-Duwamish River listed below it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

(a) Immediately and through June 30, 1978 downstream from the "Old Highway 99 Bridge".

(b) Immediately and through September 16, 1978 upstream from the "Old Highway 99 Bridge".

NEW SECTION

WAC 220-28-011AOD CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from the waters of Salmon Management and Catch Reporting Area 11A.

NEW SECTION

WAC 220-28-011FOB CLOSED AREA Effective immediately and through times and in those areas of the Puyallup River listed below it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

(a) Immediately through June 30, 1978 downstream from the confluence of the White river.

(b) Immediately through August 31, 1978 upstream from the confluence of the White River including all tributaries.

NEW SECTION

WAC 220-28-013BOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear, from that portion of Salmon Management and Catch Reporting Area 13B lying southerly of a line projected from Cooper Point to Dofflemyer Point.

NEW SECTION

WAC 220-28-013FOB CLOSED AREA Effective immediately and through June 30, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear from the waters of Capitol Lake.

REPEALER

The following sections of the Washington Administrative code are hereby repealed:

- WAC 220-28-006FOA CLOSED AREA (78-19)
- WAC 220-28-006GOA CLOSED AREA (78-19)
- WAC 220-28-007BOG CLOSED AREA (78-19)
- WAC 220-28-007COE CLOSED AREA (78-19)
- WAC 220-28-007FOA CLOSED AREA (78-19)
- WAC 220-28-008BOA CLOSED AREA (78-19)
- WAC 220-28-008COA CLOSED AREA (78-19)
- WAC 220-28-008FOB CLOSED AREA (78-26)
- WAC 220-28-008GOA CLOSED AREA (78-19)
- WAC 220-28-008HOA CLOSED AREA (78-19)
- WAC 220-28-010FOA CLOSED AREA (78-19)
- WAC 220-28-011AOC CLOSED AREA (78-19)
- WAC 220-28-011FOA CLOSED AREA (78-19)
- WAC 220-28-013BOA CLOSED AREA (78-19)
- WAC 220-28-013FOA CLOSED AREA (78-19)

WSR 78-07-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-41—Filed June 23, 1978]

I, Gordon Sandison, director of 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 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 is necessary for the

protection of Puget Sound spring chinook through June 30, 1978 and the protection of Lake Washington sockeye through July 15, 1978.

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 June 23, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-010A0H CLOSED AREA Effective immediately through July 15, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10A with any type of gear.

REPEALER

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

WAC 220-28-010A0G CLOSED AREA (78-36)

WSR 78-07-036

ADOPTED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL

[Order 78-3—Filed June 23, 1978]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Procedure—State preemption, chapter 463-28 WAC and Certification compliance determination and enforcement, chapter 463-54 WAC.

This action is taken pursuant to Notice No. WSR 78-04-073 filed with the code reviser on 4/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 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 June 12, 1978.

By William L. Fitch
Executive Secretary

Chapter 463-28 WAC
PROCEDURE—STATE PREEMPTION

WAC

- 463-28-010 Purpose and scope.
- 463-28-020 Authority of council—Preemption by state.
- 463-28-030 Determination of noncompliance—Procedures.
- 463-28-040 Inability to resolve noncompliance.
- 463-28-050 Failure to request preemption.
- 463-28-060 Request for preemption—Contested case.
- 463-28-070 Certification—Conditions—State/local interests.
- 463-28-080 Preemption—Failure to justify.
- 463-28-090 Governing rules.

NEW SECTION

WAC 463-28-010 PURPOSE AND SCOPE. This chapter sets forth procedures to be followed by the council in determining whether to recommend to the governor that the state preempt local land use plans or zoning ordinances for a site or portions of a site for an energy facility.

NEW SECTION

WAC 463-28-020 AUTHORITY OF COUNCIL—PREEMPTION BY STATE. The authority of the council is contained in RCW 80.50.040(1) and 80.50.110(2) which provides that the state preempts the regulation and certification of the location, construction, and operational conditions of certification of energy facilities.

NEW SECTION

WAC 463-28-030 DETERMINATION OF NONCOMPLIANCE—PROCEDURES. If the council determines during the hearing required by RCW 80.50.090 that the site of a proposed energy facility or any portion of a site is not consistent and in compliance with existing land use plans or zoning ordinances in effect at the date of the application, the following procedures shall be observed:

(1) As a condition necessary to continue processing the application, it shall be the responsibility of the applicant to make the necessary application for change in, or permission under, such land use plans or zoning ordinances, and make all reasonable efforts to resolve the noncompliance.

(2) All council proceedings on the application for certification may be stayed at the request of the applicant during the period when the plea for resolution of noncompliance is being processed by local authorities.

(3) The applicant shall submit regular reports to the council regarding the status of negotiations with local authorities on noncompliance issues.

NEW SECTION

WAC 463-28-040 INABILITY TO RESOLVE NONCOMPLIANCE. Should the applicant report that efforts to resolve noncompliance issues with local authorities have not been successful, then, if applicant elects to continue processing the application, the applicant shall file a written request for state preemption as authorized in WAC 463-28-020 within ninety days after completion of the public hearing required by RCW 80.50.090, or later if mutually agreed by the applicant and the council. The request shall address the following:

- (1) That the applicant has demonstrated a good faith effort to resolve the noncompliance issues.
- (2) That the applicant and the local authorities are unable to reach an agreement which will resolve the issues.
- (3) That alternate locations which are within the same county and city have been reviewed and have been found unacceptable.
- (4) Interests of the state as delineated in RCW 80.50.010.

NEW SECTION

WAC 463-28-050 FAILURE TO REQUEST PREEMPTION. Where noncompliance is at issue, failure of the applicant to file the written request as required in WAC 463-28-040 within the time permitted shall be sufficient grounds for the council to recommend to the governor denial of certification.

NEW SECTION

WAC 463-28-060 REQUEST FOR PREEMPTION—CONTESTED CASE. Should applicant elect to continue processing the application and file a request with the council for state preemption, the council will schedule a contested case hearing on the application as specified under chapter 463-30 WAC. As the first order of business in the contested case, the council shall determine whether to recommend to the governor that the state should preempt the local land use plans or zoning ordinances for a site or portions of a site for the energy facility proposed by the applicant. The factors to be evidenced under this issue are those set forth in WAC 463-28-040. The determination of preemption shall be by council order, and shall be included in its recommendation to the governor pursuant to RCW 80.50.100. The council shall determine this issue on the record before proceeding further in the contested case; thereafter, the remainder of the contested case shall proceed only if preemption is ordered by the council. Otherwise, the procedure shall follow WAC 463-28-080.

NEW SECTION

WAC 463-28-070 CERTIFICATION—CONDITIONS—STATE/LOCAL INTERESTS. If the council approves the request for preemption it shall include conditions in the draft certification agreement which give due consideration to state or local governmental or community interests affected by the construction or operation of the energy facility and the purposes

of laws or ordinances, or rules or regulations promulgated thereunder that are preempted or superseded pursuant to RCW 80.50.110(2).

NEW SECTION

WAC 463-28-080 PREEMPTION—FAILURE TO JUSTIFY. During the contested case hearing, if the council determines that the applicant has failed to justify the request for state preemption, the council shall do so by issuance of an order accompanied by findings of fact and conclusions of law. Concurrent with the issuance of its order, the council shall report to the governor its recommendation for rejection of certification of the energy facility proposed by the applicant.

NEW SECTION

WAC 463-28-090 GOVERNING RULES. Applications for certification of the energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable rules in effect on the day immediately preceding July 15, 1977.

Chapter 463-54 WAC
~~((AUDITING TO DETERMINE))~~ CERTIFICATION COMPLIANCE DETERMINATION AND ENFORCEMENT

WAC	
463-54-010	Intent and purpose of this chapter.
463-54-020	Compliance to be determined.
463-54-030	Compliance inspections and reports.
463-54-040	Compliance reports and determinations.
463-54-050	Noncompliance determinations and enforcement.
463-54-060	DOE monitoring and enforcement role.
463-54-070	Emergency action by chairman.

AMENDATORY SECTION (Amending Order 108, filed 11/4/76)

WAC 463-54-010 INTENT AND PURPOSE OF THIS CHAPTER. This chapter sets forth rules relating to effects and compliance ~~((auditing))~~ determination of ~~((the))~~ energy facility construction and operation pursuant to RCW 80.50.040(11).

AMENDATORY SECTION (Amending Order 108, filed 11/4/76)

WAC 463-54-020 ((AUDITING)) COMPLIANCE TO BE ((PERFORMED)) DETERMINED. ~~((Auditing may be performed by personnel from interested state agencies pursuant to interagency contracts with the Council. In the event any state agency declines or is not qualified, the Council may obtain auditing services from other sources.))~~ Compliance determination procedures shall be implemented by the council as necessary to keep it and the public properly informed as to the status of compliance with the terms of certification agreements and NPDES permits.

AMENDATORY SECTION (Amending Order 108, filed 11/4/76)

~~WAC 463-54-030 ((ANNUAL PRE-PAYMENT SYSTEM)) COMPLIANCE INSPECTIONS AND REPORTS. ((At the beginning of each fiscal year, the Council shall determine the total reasonable cost necessary to perform the auditing function during the next twelve months. Operators of certificated facilities will then be charged an amount based on the maximum expected auditing activity attributable to certificated facilities maintained by that operator.)) Compliance determinations shall include consideration of on-site inspections, data analyses and/or reporting activities as prescribed by the council and performed by other state agencies pursuant to annual interagency agreements.~~

AMENDATORY SECTION (Amending Order 108, filed 11/4/76)

~~WAC 463-54-040 ((PAYMENTS, A CONDITION OF CONTINUED CONSTRUCTION AND OPERATION)) COMPLIANCE REPORTS AND DETERMINATIONS. ((Payment of the annual charges established by this chapter shall be a condition of continued construction and operation of the energy facility.)) Written reports by state agencies reporting to the council under interagency agreements shall be submitted regularly and contain certifications as to the certificate holders satisfactory compliance or noncompliance with the appropriate terms of the site certification agreement. Certifications of satisfactory compliance in the absence of compelling evidence to the contrary shall be deemed by the council as bona fide compliance by the certificate holder.~~

AMENDATORY SECTION (Amending Order 108, filed 11/4/76)

~~WAC 463-54-050 ((AMOUNT PAYABLE TO STATE TREASURER)) NONCOMPLIANCE DETERMINATIONS AND ENFORCEMENT. ((Payments shall be sent to the Council office in the form of a check made payable to the state treasurer. Any unexpended amounts shall be credited or refunded to the certificated operator.)) The council shall make the determination of noncompliance with the terms of a certification agreement or NPDES permit where circumstances so warrant and on such finding of noncompliance will institute appropriate enforcement action.~~

NEW SECTION

WAC 463-54-060 DOE MONITORING AND ENFORCEMENT ROLE. The DOE is delegated the monitoring activities pertaining to water discharges and when it reports to the council that appropriate enforcement activities are required relative thereto the council shall take or initiate action to enforce the terms of the appropriate certification agreement and the incorporated NPDES permit. Immediate enforcement action as needed may be undertaken by DOE subject to subsequent confirmation or modification by the council.

NEW SECTION

WAC 463-54-070 EMERGENCY ACTION BY CHAIRMAN. (1) The chairman of the council is authorized and shall take action to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants from facilities sited under chapter 80.50 RCW including as appropriate:

(a) The issuance of a stop work order to immediately terminate an endangering discharge and suspend the NPDES permit.

(b) The requesting of the departments of emergency services and social and health services and other appropriate agencies, as necessary, to immediately take protective measures to safeguard the health or welfare of persons resulting from the discharge of pollutants.

(c) The reference of matters to the attorney general for appropriate enforcement action for violations of site certification agreements and NPDES permits.

(2) The chairman's action will be confirmed or modified by the council within seventy-two hours of execution at a special or regular meeting of the council, whichever will occur the earliest.

WSR 78-07-037

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 98—Filed June 26, 1978]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Surplus campaign funds—Definition.

This action is taken pursuant to Notice No. WSR 78-05-079 filed with the code reviser on 5/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general-rule making authority of the Public Disclosure Commission as authorized in RCW 42.17.370(1).

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 May 16, 1978.

By Graham E. Johnson
AdministratorAMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-220 SURPLUS CAMPAIGN FUNDS—DEFINITION((S)). "Surplus funds" as used in the act and in these regulations shall refer to ((any campaign funds of)) the excess of all contributions received by a political committee or candidate ((which)) over the amount necessary to pay all debts and obligations incurred in the course of an election campaign by

the political committee or candidate: PROVIDED, That this definition shall not apply to a continuing political committee. In the case of a continuing political committee, "surplus funds" shall refer to those funds remaining ((after the payment of all obligations of the committee or candidate)) in its possession or control at the time of its final report.

WSR 78-07-038
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
 [Order 99—Filed June 26, 1978]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA, that it does promulgate and adopt the annexed rules relating to casual lobbying.

This action is taken pursuant to Notice No. WSR 78-05-079 filed with the code reviser on 5/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) and 42.17.160(4) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government 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 May 16, 1978.

By Graham E. Johnson
 Administrator

NEW SECTION

WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS. (1) For the purpose of determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or 42.17.170 by not having registered and/or reported within the prescribed time periods.

(3) The commission shall not commence enforcement proceedings against a lobbyist or his employer in circumstances described in subsection (2) if the lobbyist:

(a) Registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4); and

(b) Files a report on form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

NEW SECTION

WAC 390-20-143 APPLICATION OF LOBBYING PROVISIONS TO ORGANIZATIONS. (1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities so as to be eligible for the RCW 42.17.160(4) "casual lobbying" exemption during any three-month period in which it, acting through any one or more individuals, does not sponsor or coordinate or directly make expenditures 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 lobbying (a) which exceed a total of fifteen dollars, and (b) which are otherwise unreported under this chapter.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding fifteen dollars during a three-month period, as fully described in subsection (1), shall be subject to the registration and reporting requirements of RCW 42.17.150 and 42.17.170: PROVIDED, That it shall be deemed to have satisfied these requirements if an individual agent responsible for those expenditures (a) registers and reports as a lobbyist, and (b) includes as part of form L-2 when next due a report of these and all other lobbying expenditures sponsored, coordinated, or directly made by the nonnatural person during that three-month period which are not reported on the L-2 of another lobbyist.

(3) A nonnatural person, including but not limited to a law firm, consulting firm, advertising agency, or other similar organization, which receives or expects to receive compensation in whole or in part for lobbying from any person, shall register and report as a lobbyist pursuant to RCW 42.17.150 and 42.17.170: PROVIDED, That membership dues or contributions to a nonprofit organization made for the purpose of promoting a general interest and not in return for lobbying on behalf of any specific member or contributor shall not be regarded as compensation for this purpose. Registration statements and reports shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation shall report under RCW 42.17.180 as a lobbyist's employer.

NEW SECTION

WAC 390-20-145 REPORTING OF LOBBYING EVENTS. (1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: PROVIDED, That the administrator or his designee, with the concurrence of the chairman, is authorized to state in writing how all reportable information relative to a particular

gathering shall be reported on form L-2 whenever the application of the appropriate provisions of law is unclear to the reporting person, and this interpretation shall be reviewed and approved, modified or rejected by the commission at its next regular or special meeting.

(2) Any other lobbyist reporting such a gathering may incorporate by reference in his form L-2 a form L-2 which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this rule.

WSR 78-07-039

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed June 26, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.17 RCW, that the Public Disclosure Commission, intends to adopt, amend, or repeal rules concerning the repeal of chapter 390-04 WAC;

that such agency will at 9:00 a.m., Tuesday, August 15, 1978, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, 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., Tuesday, August 15, 1978, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 15, 1978, and/or orally at 9:00 a.m., Tuesday, August 15, 1978, Second Floor Conference Room, Evergreen Plaza Bldg., Olympia, WA.

Dated: June 26, 1978

By: Graham E. Johnson
Administrator

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 390-04-010 PURPOSE
- (2) WAC 390-04-020 GENERAL ADMINISTRATIVE POLICY
- (3) WAC 390-04-030 DEFINITIONS
- (4) WAC 390-04-031 DEFINITION OF TERM "OTHER EXPENSES".
- (5) WAC 390-04-035 DEFINITION OF DIRECT FINANCIAL INTEREST.
- (6) WAC 390-04-036 DEFINITION OF DEBT.
- (7) WAC 390-04-037 CONTRIBUTION—DEFINED.
- (8) WAC 390-04-038 "AGGREGATE" DEFINED.
- (9) WAC 390-04-040 USE OF OFFICE FACILITIES.
- (10) WAC 390-04-050 ENFORCEMENT POLICY.
- (11) WAC 390-04-060 LOBBYIST'S EMPLOYER—MEANING—EXAMPLES.
- (12) WAC 390-04-070 EFFECT OF PUBLIC DISCLOSURE ACT—FREEDOM OF COMMUNICATION—EMPLOYER INTERFERENCE.

- (13) WAC 390-04-080 LIST OF ELECTED PUBLIC OFFICIALS.
- (14) WAC 390-04-090 LIST OF ELECTED PUBLIC OFFICIALS—RESPONSIBILITY FOR DEVELOPING.
- (15) WAC 390-04-100 LIST OF ELECTED PUBLIC OFFICIALS—NAME NOT ON LIST, IMPACT.
- (16) WAC 390-04-110 PUBLIC DISCLOSURE ACT—VIOLATION OF OTHER LAW.
- (17) WAC 390-04-140 PUBLIC DISCLOSURE ACT—REQUIRED FINDINGS.
- (18) WAC 390-04-150 PUBLIC DISCLOSURE ACT—PRIMA FACIE QUALIFICATIONS.
- (19) WAC 390-04-160 WRITTEN SWORN STATEMENT.
- (20) WAC 390-04-170 CAMPAIGN FINANCING—SPECIAL REPORTS.
- (21) WAC 390-04-180 CAMPAIGN FINANCING—TIME FOR FILING.
- (22) WAC 390-04-190 CAMPAIGN FINANCING—ENCOURAGING EXPENDITURES TO AVOID CONTRIBUTIONS—RESULT.
- (23) WAC 390-04-200 ABBREVIATED CAMPAIGN REPORTING—CAMPAIGNS FOR PUBLIC OFFICE INVOLVING \$1,000 OR LESS.
- (24) WAC 390-04-210 ABBREVIATED CAMPAIGN REPORTING—BALLOT PROPOSITIONS.
- (25) WAC 390-04-215 ABBREVIATED CAMPAIGN REPORTING—CONDITIONS FOR GRANTING USE.
- (26) WAC 390-04-220 EXEMPTIONS—CONDITIONS FOR GRANTING.
- (27) WAC 390-04-225 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1 AND C-4 UNDER \$1,000 EXEMPTION.
- (28) WAC 390-04-230 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS.
- (29) WAC 390-04-240 MINIMUM LIMIT ON CAMPAIGN EXPENDITURES.
- (30) WAC 390-04-250 EXPENDITURES—AGGREGATE TOTALS.
- (31) WAC 390-04-260 LOBBYISTS REGISTRATION AND REPORTING—TIMING.
- (32) WAC 390-04-270 REPORT OF CONTRIBUTIONS AND EXPENDITURES—C-4—REPORTING REQUIREMENT.
- (33) WAC 390-04-280 TIME OF FILING F-1—RCW 42.17.240.
- (34) WAC 390-04-290 CANDIDATES FOR PUBLIC OFFICE—TIME OF FILING.

WSR 78-07-040

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-42—Filed June 26, 1978]

I, Gordon Sandison, director of 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 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 is necessary in order to conform with wording adopted June 16, 1978 for permanent regulations.

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 June 26, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-22-02000B WILLAPA HARBOR, GRAYS HARBOR MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-22-020:

(1) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, through lighted buoy 13 to where it intersects with the shore at Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(2) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N Latitude, 124° 1' W longitude.

(3) Area 2G shall include those waters of Willapa Harbor northerly of a line projected true east-west through Riddle Spit Light No. 10, outside and westerly

of a line projected from Stony Point to the Bay Center Channel Light (Fl 4 seconds, 18 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W. M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W. M., and inside and easterly of straight line projected from Cape Shoalwater Light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater Light on a line 171° true, to Leadbetter Point.

REPEALER

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

WAC 220-22-02000A WILLAPA, GRAYS HARBOR MANAGEMENT AND CATCH REPORTING AREAS (78-38)

WSR 78-07-041

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-43—Filed June 26, 1978]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and personal use shrimp fishery—Hood Canal.

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 fishing effort has been greater than anticipated and remaining mature shrimp are needed for breeding purposes.

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 June 26, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-52-05300C SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, effective 12 midnight June 30, 1978 until further notice, it shall be unlawful to take, fish for or possess shrimp for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C.

NEW SECTION

WAC 220-56-08400C SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-56-084, effective 12 midnight June 30, 1978 until further notice, it shall be unlawful to take, fish for or possess shrimp for personal use in waters of Hood Canal southerly of the Hood Canal Floating Bridge.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 220-52-05300B SHRIMP SEASON - HOOD CANAL (77-22)

WAC 220-56-08400B SHRIMP SEASON - HOOD CANAL (77-22)

**WSR 78-07-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1307—Filed June 26, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd ch. 388-14 WAC relating to support enforcement.
- Amd ch. 388-24 WAC relating to AFDC—Eligibility.

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 required to conform to federal regulations which were effective March 17, 1978.

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 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 June 26, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant/recipient is applying for or receiving financial assistance including rights to support which have accrued at the time such assignment is executed.

(a) Each ongoing applicant/recipient after August 1, 1975 must make this new assignment. Assignments will be necessary as a condition of continued aid due no later than the date of the next eligibility review. See WAC 388-24-108.

(b) The new assignment must be made before the applicant/recipient is eligible to receive bonus payments.

(2) When (1), above is satisfied, cooperation is further required as a continuing condition of eligibility for assistance unless the ESSO determines that the applicant/recipient has good cause not to cooperate under WAC 388-24-111. Cooperation includes identifying and locating absent parents including possible putative fathers, and in establishing paternity of a child or children, and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) as further provided below:

(a) Cooperation in identifying and locating absent parents including putative fathers includes, but is not limited to:

(i) Providing all known relevant information such as the absent parent's name including known aliases, address, telephone or message number, social security number, employment history, physical description, and data regarding the date and place of marriage, separation, divorce, and dissolution including copies of documents and court orders establishing paternity and/or support obligations, if any. Information must be given at the time of application or at a later time if requested by the office of support enforcement to supplement existing information;

(ii) Providing notice to the office of support enforcement of any and all necessary information concerning the absent parent(s), including all men who could possibly be the putative father of a child on whose behalf the recipient applied for or receives public assistance, and also providing notice of changes in the information and/or notice of new information as available.

(b) Cooperation in establishing the paternity of a child or children including, but not limited to: taking all

reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, courts or other agencies, in administrative hearings, or in actions to prosecute or maintain any legal action or remedy for the establishment of paternity or in investigations preparatory to or supplementary to such hearings or actions, and to develop medical and anthropological evidence relating to the alleged father's paternity based upon tests performed by experts on the mother and the child.

(c) Cooperation in establishing and collecting support and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) includes taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, courts or other agencies in administrative hearings or in actions to prosecute or maintain any legal action or remedy for the establishment or collection of support obligations or in investigations preparatory to or supplementary to such hearings or actions.

(d) Cooperation in the obtaining of support payments further includes but is not limited to:

(i) Providing of specific information at the time of application to establish the amount of the support debt accrued to the applicant/recipient prior to application for assistance.

(ii) Immediate remittance of all support payments received by the applicant/recipient from any person or agency to the office of support enforcement.

(3) If the applicant/recipient fails to cooperate as defined above the caretaker/relative shall be ineligible to receive assistance and any assistance for which the children may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker/relative.

(4) If support monies are not promptly remitted and protective payments have been established without regard to the requirements of the caretaker/relative pursuant to WAC 388-33-453, the office of support enforcement may enter into a written agreement with the caretaker/relative for satisfaction of the obligation of remittance of support payments by monthly installment payments to the office of support enforcement in amounts not less than ten percent of the original amount not remitted. If a caretaker/relative makes such an agreement for satisfaction and is restored to grant status and fails to make the required monthly payments or again fails to promptly remit support monies received direct, said recipient is subject to WAC 388-33-453 and thereafter may establish cooperation under this subsection only by remittance to the office of support enforcement of the full amount of support monies received.

(5) In the event of failure to cooperate under the requirements of this section and/or WAC 388-24-108 and/or 388-24-109, "aid to families with dependent children" does not mean payments with respect to a parent (or other individual whose needs should be considered in determining the need of the child(ren) or relative claiming aid) of a child or children. Nothing in

these rules shall be construed to make an otherwise eligible child ineligible for protective payments because of the failure of such parent (or such other individual) to cooperate or make assignment.

NEW SECTION

WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT. (1) The office of support enforcement will undertake, when public assistance is paid or the services requested, to:

(a) Establish paternity of any child born out of wedlock; and

(b) Secure support for a child from any person legally liable for such support.

(2) The office of support enforcement will not act to establish paternity or secure child support in any case for which it has received notice that the ESSO has determined that there has been a finding of good cause under WAC 388-24-111.

(a) The office of support enforcement will insure that all activities under Title IV-D to establish paternity or secure child support including activities of agencies acting under cooperative agreements are suspended when OSE receives notice from the ESSO that an applicant or recipient has claimed good cause until notified of the final determination of the ESSO.

A child support obligation continues while enforcement and/or collection action is suspended pending a final determination of good cause and will be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

(b) If the IV-A agency has determined that the applicant/recipient has good cause not to cooperate but that child support enforcement may proceed without the participation of the caretaker/relative, then the office of support enforcement shall undertake to establish paternity or secure child support without the involvement of the caretaker/relative.

(c) The office of support enforcement will review and comment on the findings and basis for the proposed termination by the ESSO.

(d) The office of support enforcement will be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—COOPERATION IN OBTAINING SUPPORT FROM ABSENT PARENTS. As a condition of eligibility each applicant for or recipient of AFDC shall be required to cooperate as specified in WAC 388-14-200 except as specified in WAC 388-24-111.

NEW SECTION

WAC 388-24-111 GOOD CAUSE FOR FAILURE TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The requirement for cooperation of the applicant/recipient in WAC 388-24-109 shall be

waived if the department determines that such cooperation would not be in the best interest of the child(ren) for whom assignment has been made according to WAC 388-24-108.

(2) The applicant/recipient must be informed that they have the right to claim good cause for refusing to cooperate as specified in WAC 388-14-200(2)(a), (b) and (c) and 388-24-109.

(3) The applicant/recipient who claims to have good cause for refusing to cooperate must:

(a) Provide evidence of the existence of at least one of the good cause circumstances; or

(b) Provide sufficient information (such as the putative father or absent parent's name and address) to permit an investigation to determine the existence of any of the circumstances specified in subsection (6) of this section.

(4) When an applicant/recipient claims to have good cause for refusing to cooperate, the ESSO social service staff will determine that good cause exists only if it finds that:

(a) The evidence supplied by the applicant/recipient establishes that cooperation would be against the best interest of the child; or

(b) Investigation of the circumstances of the case confirms the applicant's/recipient's claim that cooperation would be against the best interest of the child(ren).

(5) The final determination by the ESSO social service staff that good cause does or does not exist will be in writing and contain the ESSO's findings and basis for determination. It shall also be entered into the financial and service records.

(6) The ESSO social service staff will determine that cooperation in establishing paternity and/or securing support is against the best interest of the child only if:

(a) The applicant's/recipient's cooperation is reasonably anticipated to result in:

(i) Physical or emotional harm to the child for whom support is to be sought; or

(ii) Physical or emotional harm to the parent or caretaker relative with whom the child is living which reduces the parent or caretaker relative's capacity to care for the child adequately; or

(b) At least one of the following circumstances exists, and the ESSO social service staff believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought:

(i) The child for whom support is sought was conceived as a result of incest or forcible rape;

(ii) Legal proceedings for the adoption of the child are pending before a superior court; or

(iii) The applicant/recipient is currently being assisted by a public or licensed child-placing agency to resolve the issue of whether to keep the child or relinquish it for adoption, and the discussions have not gone on for more than three months.

(7) Acceptable evidence upon which the ESSO social service staff will base a determination of good cause, without further investigation, is limited to the following documents:

(a) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(b) Court documents or other records which indicate that legal proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or parent or caretaker relative;

(d) Medical records which indicate emotional health history and present emotional health status or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or caretaker relative or the child(ren) for whom support would be sought. The recommendation of the mental health professional or the indication of the medical records must be that cooperation by the parent or caretaker relative would not be in the best interest of the child(ren);

(e) A written statement which includes the dates of counseling from a public or licensed child-placing agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish it for adoption.

(8) Upon request, the ESSO will assist the applicant/recipient in obtaining the required evidence.

(9) If the applicant/recipient cannot present evidence as outlined in subsection (7) of this section and still wishes to claim good cause, the applicant/recipient must provide information which will enable the ESSO to conduct an investigation regarding the circumstances of the claim. A determination that good cause exists may be based on any verifying information acceptable to the ESSO social service staff. However, during the investigation the ESSO:

(a) Shall not contact the absent parent or alleged father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

(b) Prior to making such necessary contact, shall notify the applicant/recipient and give them the opportunity to:

(i) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary; or

(ii) Withdraw the application for assistance; or

(iii) Request a fair hearing.

(10) For every good cause determination which is based in whole or in part upon the anticipation of emotional harm to the child, the custodial parent or the caretaker relative, the ESSO social service staff shall consider and document its findings regarding the following factors:

(a) The present emotional state of the individual subject to emotional harm;

(b) The emotional health history of the individual subject to emotional harm;

(c) The intensity and probable duration of the emotional upset;

(d) The degree of cooperation to be required; and

(e) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(11) In the process of making a final determination of good cause for refusal to cooperate, the ESSO social service staff shall:

(a) Afford the office of support enforcement the opportunity to review and comment on the findings and basis for the proposed determination;

(b) Consider any recommendation from the office of support enforcement; and

(c) Provide the office of support enforcement the opportunity to participate in any hearing that results from an applicant's/recipient's appeal of any determination based on a good cause claim.

(12) Assistance shall not be denied, delayed or discontinued pending a determination of good cause for refusal to cooperate if the applicant/recipient has complied with the requirements to furnish evidence or information, if the applicant/recipient is otherwise eligible.

(13) The ESSO social service staff shall periodically review, not less frequently than at each eligibility review, all cases in which a finding of good cause for refusal to cooperate has been made. If it determines that good cause no longer exists, it will rescind its decision and require cooperation by the applicant/recipient.

(14) The ESSO shall maintain records concerning its activities under this section.

(15) If the ESSO social service staff makes a determination of good cause on the basis of circumstances specified in subsection (6) of this section, it shall also make a determination of whether or not support enforcement activities could proceed without risk of harm to the child or the parent or caretaker relative if the enforcement activities did not involve their participation. This determination shall be in writing, contain the ESSO's findings and basis for determination, and be entered into the financial and service records.

(16) If the ESSO social service staff excuses cooperation but determines that the office of support enforcement may proceed to establish paternity or enforce support, it shall notify the applicant/recipient to enable the applicant/recipient, if they desire, to withdraw their application for assistance, or request a fair hearing.

(17) The ESSO will promptly report to the office of support enforcement:

(a) All cases in which good cause has been claimed and a determination is pending;

(b) All cases in which it has been determined that there is good cause for refusal to cooperate and its determination whether or not support enforcement activities may proceed without the participation of the parent or caretaker relative;

(c) All cases in which it has been determined that there is not good cause for refusal to cooperate;

(d) All cases in which a fair hearing has been requested; and

(e) Results of subsequent eligibility reviews in cases previously determined to have good cause.

WSR 78-07-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 27, 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 ch. 388-14 WAC relating to support enforcement.
Amd ch. 388-24 WAC relating to AFDC—Eligibility.

It is the intention of the Department to file these rules on an emergency basis prior to the hearing.

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

Gerald E. Thomas
Acting Secretary, DSHS
Mail Stop OB-44
Olympia, Washington;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Bldg #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 26, 1978

By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant/recipient is applying for or receiving financial assistance including rights to support which have accrued at the time such assignment is executed.

(a) Each ongoing applicant/recipient after August 1, 1975 must make this new assignment. Assignments will be necessary as a condition of continued aid due no later than the date of the next eligibility review. See WAC 388-24-108.

(b) The new assignment must be made before the applicant/recipient is eligible to receive bonus payments.

(2) When (1), above is satisfied, cooperation is further required as a continuing condition of eligibility for assistance unless the ESSO determines that the applicant/recipient has good cause not to cooperate under WAC 388-24-111. Cooperation includes identifying and locating absent parents including possible putative fathers, and in establishing paternity of a child or children, and/or in obtaining support

payments or any other payments or property due the applicant/recipient or child(ren) as further provided below:

(a) Cooperation in identifying and locating absent parents including putative fathers includes, but is not limited to:

(i) Providing all known relevant information such as the absent parent's name including known aliases, address, telephone or message number; social security number, employment history, physical description, and data regarding the date and place of marriage, separation, divorce, and dissolution including copies of documents and court orders establishing paternity and/or support obligations, if any. Information must be given at the time of application or at a later time if requested by the office of support enforcement to supplement existing information;

(ii) Providing notice to the office of support enforcement of any and all necessary information concerning the absent parent(s), including all men who could possibly be the putative father of a child on whose behalf the recipient applied for or receives public assistance, and also providing notice of changes in the information and/or notice of new information as available.

(b) Cooperation in establishing the paternity of a child or children including, but not limited to: taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, courts or other agencies, in administrative hearings, or in actions to prosecute or maintain any legal action or remedy for the establishment of paternity or in investigations preparatory to or supplementary to such hearings or actions, and to develop medical and anthropological evidence relating to the alleged father's paternity based upon tests performed by experts on the mother and the child.

(c) Cooperation in establishing and collecting support and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) includes taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, courts or other agencies in administrative hearings or in actions to prosecute or maintain any legal action or remedy for the establishment or collection of support obligations or in investigations preparatory to or supplementary to such hearings or actions.

(d) Cooperation in the obtaining of support payments further includes but is not limited to:

(i) Providing of specific information at the time of application to establish the amount of the support debt accrued to the applicant/recipient prior to application for assistance.

(ii) Immediate remittance of all support payments received by the applicant/recipient from any person or agency to the office of support enforcement.

(3) If the applicant/recipient fails to cooperate as defined above the caretaker/relative shall be ineligible to receive assistance and any assistance for which the children may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker/relative.

(4) If support monies are not promptly remitted and protective payments have been established without regard to the requirements of the caretaker/relative pursuant to WAC 388-33-453, the office of support enforcement may enter into a written agreement with the caretaker/relative for satisfaction of the obligation of remittance of support payments by monthly installment payments to the office of support enforcement in amounts not less than ten percent of the original amount not remitted. If a caretaker/relative makes such an agreement for satisfaction and is restored to grant status and fails to make the required monthly payments or again fails to promptly remit support monies received direct, said recipient is subject to WAC 388-33-453 and thereafter may establish cooperation under this subsection only by remittance to the office of support enforcement of the full amount of support monies received.

(5) In the event of failure to cooperate under the requirements of this section and/or WAC 388-24-108 and/or 388-24-109, "aid to families with dependent children" does not mean payments with respect to a parent (or other individual whose needs should be considered in determining the need of the child(ren) or relative claiming aid) of a child or children. Nothing in these rules shall be construed to make an otherwise eligible child ineligible for protective payments because of the failure of such parent (or such other individual) to cooperate or make assignment.

NEW SECTION

WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT. (1) The office of support enforcement will undertake, when public assistance is paid or the services requested, to:

(a) Establish paternity of any child born out of wedlock; and
(b) Secure support for a child from any person legally liable for such support.

(2) The office of support enforcement will not act to establish paternity or secure child support in any case for which it has received notice that the ESSO has determined that there has been a finding of good cause under WAC 388-24-111.

(a) The office of support enforcement will insure that all activities under Title IV-D to establish paternity or secure child support including activities of agencies acting under cooperative agreements are suspended when OSE receives notice from the ESSO that an applicant or recipient has claimed good cause until notified of the final determination of the ESSO.

A child support obligation continues while enforcement and/or collection action is suspended pending a final determination of good cause and will be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

(b) If the IV-A agency has determined that the applicant/recipient has good cause not to cooperate but that child support enforcement may proceed without the participation of the caretaker/relative, then the office of support enforcement shall undertake to establish paternity or secure child support without the involvement of the caretaker/relative.

(c) The office of support enforcement will review and comment on the findings and basis for the proposed determination by the ESSO.

(d) The office of support enforcement will be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—COOPERATION IN OBTAINING SUPPORT FROM ABSENT PARENTS. As a condition of eligibility each applicant for or recipient of AFDC shall be required to cooperate as specified in WAC 388-14-200 except as specified in WAC 388-24-111.

NEW SECTION

WAC 388-24-111 GOOD CAUSE FOR FAILURE TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The requirement for cooperation of the applicant/recipient in WAC 388-24-109 shall be waived if the department determines that such cooperation would not be in the best interest of the child(ren) for whom assignment has been made according to WAC 388-24-108.

(2) The applicant/recipient must be informed that they have the right to claim good cause for refusing to cooperate as specified in WAC 388-14-200(2)(a), (b) and (c) and 388-24-109.

(3) The applicant/recipient who claims to have good cause for refusing to cooperate must:

(a) Provide evidence of the existence of at least one of the good cause circumstances; or

(b) Provide sufficient information (such as the putative father or absent parent's name and address) to permit an investigation to determine the existence of any of the circumstances specified in subsection (6) of this section.

(4) When an applicant/recipient claims to have good cause for refusing to cooperate, the ESSO social service staff will determine that good cause exists only if it finds that:

(a) The evidence supplied by the applicant/recipient establishes that cooperation would be against the best interest of the child; or

(b) Investigation of the circumstances of the case confirms the applicant's/recipient's claim that cooperation would be against the best interest of the child(ren).

(5) The final determination by the ESSO social service staff that good cause does or does not exist will be in writing and contain the ESSO's findings and basis for determination. It shall also be entered into the financial and service records.

(6) The ESSO social service staff will determine that cooperation in establishing paternity and/or securing support is against the best interest of the child only if:

(a) The applicant's/recipient's cooperation is reasonably anticipated to result in:

(i) Physical or emotional harm to the child for whom support is to be sought; or

(ii) Physical or emotional harm to the parent or caretaker relative with whom the child is living which reduces the parent or caretaker relative's capacity to care for the child adequately; or

(b) At least one of the following circumstances exists, and the ESSO social service staff believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought:

(i) The child for whom support is sought was conceived as a result of incest or forcible rape;

(ii) Legal proceedings for the adoption of the child are pending before a superior court; or

(iii) The applicant/recipient is currently being assisted by a public or licensed child-placing agency to resolve the issue of whether to keep the child or relinquish it for adoption, and the discussions have not gone on for more than three months.

(7) Acceptable evidence upon which the ESSO social service staff will base a determination of good cause, without further investigation, is limited to the following documents:

(a) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(b) Court documents or other records which indicate that legal proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or parent or caretaker relative;

(d) Medical records which indicate emotional health history and present emotional health status or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or caretaker relative or the child(ren) for whom support would be sought. The recommendation of the mental health professional or the indication of the medical records must be that cooperation by the parent or caretaker relative would not be in the best interest of the child(ren);

(e) A written statement which includes the dates of counseling from a public or licensed child-placing agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish it for adoption.

(8) Upon request, the ESSO will assist the applicant/recipient in obtaining the required evidence.

(9) If the applicant/recipient cannot present evidence as outlined in subsection (7) of this section and still wishes to claim good cause, the applicant/recipient must provide information which will enable the ESSO to conduct an investigation regarding the circumstances of the claim. A determination that good cause exists may be based on any verifying information acceptable to the ESSO social service staff. However, during the investigation the ESSO:

(a) Shall not contact the absent parent or alleged father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

(b) Prior to making such necessary contact, shall notify the applicant/recipient and give them the opportunity to:

(i) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary; or

(ii) Withdraw the application for assistance; or

(iii) Request a fair hearing.

(10) For every good cause determination which is based in whole or in part upon the anticipation of emotional harm to the child, the custodial parent or the caretaker relative, the ESSO social service staff shall consider and document its findings regarding the following factors:

(a) The present emotional state of the individual subject to emotional harm;

(b) The emotional health history of the individual subject to emotional harm;

(c) The intensity and probable duration of the emotional upset;

(d) The degree of cooperation to be required; and

(e) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(11) In the process of making a final determination of good cause for refusal to cooperate, the ESSO social service staff shall:

(a) Afford the office of support enforcement the opportunity to review and comment on the findings and basis for the proposed determination;

(b) Consider any recommendation from the office of support enforcement; and

(c) Provide the office of support enforcement the opportunity to participate in any hearing that results from an applicant's/recipient's appeal of any determination based on a good cause claim.

(12) Assistance shall not be denied, delayed or discontinued pending a determination of good cause for refusal to cooperate if the applicant/recipient has complied with the requirements to furnish evidence or information, if the applicant/recipient is otherwise eligible.

(13) The ESSO social service staff shall periodically review, not less frequently than at each eligibility review, all cases in which a finding of good cause for refusal to cooperate has been made. If it determines that good cause no longer exists, it will rescind its decision and require cooperation by the applicant/recipient.

(14) The ESSO shall maintain records concerning its activities under this section.

(15) If the ESSO social service staff makes a determination of good cause on the basis of circumstances specified in subsection (6) of this section, it shall also make a determination of whether or not support enforcement activities could proceed without risk of harm to the child or the parent or caretaker relative if the enforcement activities did not involve their participation. This determination shall be in writing, contain the ESSO's findings and basis for determination, and be entered into the financial and service records.

(16) If the ESSO social service staff excuses cooperation but determines that the office of support enforcement may proceed to establish paternity or enforce support, it shall notify the applicant/recipient to enable the applicant/recipient, if they desire, to withdraw their application for assistance, or request a fair hearing.

(17) The ESSO will promptly report to the office of support enforcement:

(a) All cases in which good cause has been claimed and a determination is pending;

(b) All cases in which it has been determined that there is good cause for refusal to cooperate and its determination whether or not support enforcement activities may proceed without the participation of the parent or caretaker relative;

(c) All cases in which it has been determined that there is not good cause for refusal to cooperate;

(d) All cases in which a fair hearing has been requested; and

(e) Results of subsequent eligibility reviews in cases previously determined to have good cause.

WSR 78-07-044

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed June 27, 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 314-24-080 Containers—Sizes and types permitted (Rule 66). The terms and substance of the above proposed amended rules are set forth on Attachment A;

that such agency will at 9:30 a.m., Tuesday, August 8, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, WA 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, August 8, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.050, 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 August 8, 1978, and/or orally at 9:30 a.m., Tuesday, August 8, 1978, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, WA 98504.

Dated: June 27, 1978
By: L. M. Hittle
Member

AMENDATORY SECTION (Amending Order 49, filed 8/26/76)

WAC 314-24-080 CONTAINERS—SIZES AND TYPES PERMITTED (RULE 66). (1) All wine sold for consumption in the state shall be sold in packages or containers of the following sizes: 2 ounces, 3 ounces, 4 ounces, 2/5 pint, 1/2 pint, 4/5 pint, one pint, 4/5 quart, one quart, 2/5 gallon, 1/2 gallon, 4/5 gallon, one gallon, 3 gallon[s] and 4.9 gallons. In addition, for aperitif wines only, 15/16 quart.

(2) No domestic winery or wine wholesaler, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from the following classification, to wit: Manufacturer's original full cases of 2 ounces, 3 ounces, or 4 ounces; 24 or 48 2/5 pint, 24 or 48 1/2 pint, 12 or 24 4/5 pint, 24 one pint, 12 4/5 quart, 12 15/16 quart, 12 one quart, 3 or 6 2/5 gallon, 6 1/2 gallon, 3 or 4 4/5 gallon, 4 one gallon, 1, 2, or 3 three gallons, and 1 or 2 4.9 gallons: PROVIDED, HOWEVER, That the case capacity provisions set forth herein shall not apply to cases containing multiple packages of authorized sizes when originally packed by the manufacturer of such wine to comprise specific "gift-type" container units.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used.

- WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, Etc. (Rule 166)
- WAC 458-20-167 Educational institutions, school districts, student organizations, private schools. (Rule 167)
- WAC 458-20-168 Hospitals. (Rule 168)
- WAC 458-20-169 Religious, charitable, benevolent, nonprofit service organizations, and sheltered workshops. (Rule 169)
- WAC 458-20-176 Persons engaging in the business of conducting commercial deep sea fishing operations outside the territorial waters of Washington. (Rule 176)
- WAC 458-20-183 Places of amusement or recreation. (Rule 183)
- WAC 458-20-187 Coin operated vending machines, amusement devices and service machines. (Rule 187)
- WAC 458-20-18801 Prescription drugs. (Rule 188)
- WAC 458-20-210 Sales of farm products by farmers producing the same. (Rule 210)
- WAC 458-20-214 Cooperative marketing associations and independent dealers acting as agents of others with respect to the sale of fruit and produce. (Rule 214)

This action is taken pursuant to Notice No. WSR 78-05-072 filed with the code reviser on 4/28/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.01.060(2) and 82.32.300.

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

APPROVED AND ADOPTED June 27, 1978.
By S.E. Tveden
Assistant Director

AMENDATORY SECTION (Amending Order ET 74-1, filed 5/7/74)

WAC 458-20-119 SALES OF MEALS (RULE 119).

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the Retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on

WSR 78-07-045
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order ET 78-4—Filed June 27, 1978]

Colin J. ...
...

I, Charles W. Hodde, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- WAC 458-20-119 Sales of Meals. (Rule 119)
- WAC 458-20-135 Extracting natural products. (Rule 135)
- WAC 458-20-136 Manufacturing, processing for hire, fabricating. (Rule 136)
- WAC 458-20-157 Producers of poultry and hatching eggs. (Rule 157)
- WAC 458-20-161 Persons buying or producing wheat, oats, dry peas, corn and barley and making sales thereof. (Rule 161)

the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((COMPANY DINERS)) COMPANIES. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of ((the food supplies or)) meals.

MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are

paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

1. Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients:

2. Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

3. In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.) See WAC 458-20-244 (Rule 244).

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ((Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.)) See WAC 458-20-244 (Rule 244).

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

((MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula

~~for determining meal count: (a) those employees working shifts up to five hours, one meal. (b) employees working shifts of more than five hours, two meals.~~

~~Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.)~~

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. See WAC 458-20-244 (Rule 244).

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) the establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: food, sales

tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the Retailing classification of the business and occupation tax and the retail sales tax.

~~((Revised May 3, 1974))~~

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-135 EXTRACTING NATURAL PRODUCTS (RULE 135). "The word 'extractor' means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others." (RCW 82.04.100.)

The following examples are illustrative of operations which are included within the extractive activity:

1. Logging operations, including the bucking, yarding, and loading of timber or logs after felling, as well as the actual cutting or severance of trees.
2. Mining and quarrying operations, including the activities incidental to the preparation of the products for market, such as screening, sorting, washing, crushing, etc.
3. Fishing operations, including the cultivating or raising, in fresh or salt water, of fish, shellfish, or other sea or inland water foods or products (whether on publicly or privately owned beds, and whether planted and cultivated or not) for sale or commercial use. It includes the removal of the meat from the shell, and the cleaning and icing of fish or sea products by the person catching or taking them.

BUSINESS AND OCCUPATION TAX

EXTRACTING-LOCAL SALES. Persons who extract products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are taxable under the classification Wholesaling-All Others. Persons taxable under the classification Retailing and Wholesaling-All

Others are not taxable under the classification Extracting with respect to the extracting of products so sold within this state.

EXTRACTING-INTERSTATE OR FOREIGN SALES. Persons who extract products in this state and sell the same in interstate or foreign commerce are taxable under the classification Extracting upon the value of the products so sold, and are not taxable under Retailing or Wholesaling-All Others in respect to such sales. (See also WAC 458-20-193.)

EXTRACTING-FOR COMMERCIAL USE. Persons who extract products in this state and use the same as raw materials or ingredients of articles which they manufacture for sale are not taxable under Extracting. (For tax liability of such persons on the sale of manufactured products see WAC 458-20-136, Manufacturing, Processing for Hire, Fabricating.)

Persons who extract products in this state for any other commercial or industrial use are taxable under Extracting on the value of products extracted and so used. (See WAC 458-20-134 for definition of commercial or industrial use.)

EXTRACTING FOR OTHERS. Persons performing under contract, either as prime or subcontractors, the necessary labor or mechanical services for others who are engaged in the business as extractors, are taxable under the Extracting for Hire classification of the business and occupation tax upon their gross income from such service. If the contract includes the hauling of the products extracted over public or private roads, such persons are also taxable under the Motor Transportation classification of the public utility tax upon that portion of their gross income properly attributable to such hauling. (See WAC 458-20-180.)

RETAIL SALES TAX

The retail sales tax applies upon all sales of extracted products made at retail by the extractor thereof, except as provided by WAC 458-20-244 (Rule 244), food products.

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-136 MANUFACTURING, PROCESSING FOR HIRE, FABRICATING (RULE 136).

DEFINITIONS

"The term 'to manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles." (RCW 82.04.120.) It means the business of producing articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving these matters new forms, qualities, properties, or combinations. It includes such activities as making, fabricating, processing, refining, mixing, slaughtering,

packing, curing, aging, canning, etc. It includes also the preparing, packaging and freezing of fresh fruits, vegetables, fish, meats and other food products, the making of custom made suits, dresses, and coats, and also awnings, blinds, boats, curtains, draperies, rugs, and tanks, and other articles constructed or made to order. It also includes the generation or production of electrical energy for resale or consumption outside the state.

The word "manufacturer" means every person who, from his own materials or ingredients manufactures for sale, or for commercial or industrial use any articles, substance or commodity either:

1. directly, or
2. by contracting with others for the necessary labor or mechanical services.

However, a nonresident of the state of Washington who owns materials process for hire in this state is not deemed to be a manufacturer because of such processing. Further, any owner of materials from which a nuclear fuel assembly is fabricated in this state by a processor for hire is also not deemed to be a manufacturer because of such processing.

The term "to manufacture" does not include activities which are merely incidental to nonmanufacturing activities. Thus, the following do not constitute manufacturing: washing and screening of coal, or the bucking and yarding of logs, by the extractors thereof; pasteurizing and bottling of milk by a dairy; cooking and serving of food by a restaurant; the mere cleaning and freezing of whole fish; repairing and reconditioning of tangible personal property for others, etc. Likewise, neither an artist, a portrait photographer, nor a prescription pharmacist is a manufacturer.

The term "processing for hire" means the performance of labor and mechanical services upon materials belonging to others so that as a result a new, different or useful article of tangible personal property is produced. Thus, a processor for hire is any person who would be a manufacturer if he were performing the labor and mechanical services upon his own materials.

BUSINESS AND OCCUPATION TAX

MANUFACTURING-LOCAL SALES. Persons who manufacture products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification Retailing and those who sell such products at wholesale in this state are taxable under the classification Wholesaling-All Others. Persons taxable under the classification Retailing and Wholesaling-All Others are not taxable under the classification Manufacturing with respect to the manufacturing of products so sold within this state.

MANUFACTURING-INTERSTATE OR FOREIGN SALES. Persons who manufacture products in this state and sell the same in interstate or foreign commerce are taxable under the classification Manufacturing upon the value of the products so sold, and are not taxable under Retailing or Wholesaling-All Others in respect to such sales. (See also WAC 458-20-193.) The generation or production of electrical energy for resale or consumption outside the state is subject to tax under the Manufacturing classification.

MANUFACTURING—SPECIAL CLASSIFICATIONS. The law provides several special classifications and rates for activities which constitute "manufacturing" as defined in this rule. These include manufacturing wheat into flour (RCW 82.04.260(2)); splitting or processing dried peas (RCW 82.04.260(3)); manufacturing seafood products which remain in a raw, raw frozen, or raw salted state (RCW 82.04.260(4)); manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables (RCW 82.04.260(5)); manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions (RCW 82.04.260(6)); and manufacturing nuclear fuel assemblies (RCW 82.04.260(10)). In all such cases the principles set forth in the preceding paragraphs headed **Manufacturing—Local Sales and Manufacturing—Interstate or Foreign Sales** will be applicable. Local sales will be subject to the business and occupation tax only under the classifications **Retailing or Wholesaling—All Others** at the applicable rates for those classifications, while interstate or foreign sales will be taxable only under the classifications **Manufacturing Wheat Into Flour, Splitting or Processing Dried Peas, Manufacturing Raw Seafood Products, Manufacturing Fresh Fruits and Vegetables, Manufacturing Aluminum, and manufacturing nuclear fuel assemblies**, as the case may be. Local sales (at either retail or wholesale) of nuclear fuel assemblies by the manufacturer thereof are subject to business and occupation tax imposed at the rate .0025.

The special classification and rate for slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale (RCW 82.04.260(8)) combines manufacturing and nonmanufacturing activities. As to those activities which constitute "manufacturing" as defined in this rule, the statutory classification and rate are applicable to both local and interstate or foreign sales. As to those activities which involve the mere selling of perishable meat products not manufactured by the vendor, the statutory classification and rate are applicable to local sales only, and interstate or foreign sales are deductible from gross proceeds of sales.

MANUFACTURING FOR COMMERCIAL USE. Persons who manufacture products in this state for commercial or industrial use are taxable under the classification **Manufacturing on the value of the products used.** (See WAC 458-20-134 for definition of commercial or industrial use.)

PROCESSING FOR HIRE. Persons processing for hire for consumers or for persons other than consumers are taxable under the **Processing for Hire** classification upon the total charge made therefor.

MATERIALS FURNISHED IN PART BY CUSTOMER. In some instances, the person furnishing the labor and mechanical services undertakes to produce a new article, substance, or commodity from materials or ingredients furnished in part by him and in part by the customer. In such instances, tax liability is as follows:

1. The person furnishing the labor and mechanical services will be presumed to be the manufacturer if the

value of the materials or ingredients furnished by him is equal to or exceeds 20% of the total value of all materials or ingredients which become a part of the finished product.

2. If the person furnishing the labor and mechanical services furnishes materials constituting less than 20% of the value of all of the materials which become a part of the finished product, such person will be presumed to be processing for hire. The person for whom the work is performed is the manufacturer in that situation, and will be taxable as such.

In cases where the person furnishing the labor and mechanical services supplies, sells, or furnishes to the customer, or purchases for the account of the customer, before processing, 20% or more in value of the materials from which the finished product is made, the person furnishing the labor and mechanical services will be deemed to be the owner of the materials and taxable as a manufacturer.

RETAIL SALES TAX

Persons taxable as engaging in the business of manufacturing and selling at retail any of the products manufactured and persons manufacturing, fabricating, or processing for hire tangible personal property for consumers shall collect the retail sales tax upon the total charge made to their customers.

Sales to processors for hire and to manufacturers of articles of tangible personal property which do not become an ingredient or component part of a new article produced, or are not chemicals used in processing the same, are retail sales, and the retail sales tax must be collected thereon.

USE TAX

Manufacturers are taxable under the use tax upon the use of articles manufactured by them for their own use in this state.

See WAC 458-20-244 (Rule 244) for sales and use tax on food products.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-157 PRODUCERS OF POULTRY AND HATCHING EGGS (RULE 157).

BUSINESS AND OCCUPATION TAX

Persons engaged in the production and sale of hatching eggs or poultry for use in the production for sale of poultry or poultry products are not subject to the business and occupation tax upon the gross proceeds from such sales (RCW 82.04.410). Persons engaged in the production and sale for resale of hatching eggs or poultry are also exempt from the business and occupation tax in respect to such sales (RCW 82.04.330). The business and occupation tax is applicable to all sales of poultry or poultry products by persons other than the producer thereof.

RETAIL SALES TAX

The retail sales tax is not applicable to sales of poultry for use in the production for sale of poultry or poultry products (RCW 82.08.030(16)). ~~((The retail sales tax is applicable to all other sales to consumers of poultry or poultry products.))~~

SALES OF EQUIPMENT AND FEED. Sales of incubators, brooders, and other equipment or supplies to hatcheries or producers of poultry or poultry products are sales for use or consumption upon which the retail sales tax must be collected by the seller. Sales of poultry feed for use by the purchaser in producing poultry and poultry products are not subject to the retail sales tax. (See also WAC 458-20-122.)

Revised ~~((June 1, 1970))~~ April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-161 PERSONS BUYING OR PRODUCING WHEAT, OATS, DRY PEAS, CORN AND BARLEY AND MAKING SALES THEREOF (RULE 161).

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable under the Retailing classification upon the gross proceeds from all retail sales of such products.

WHOLESALING. Persons buying manufactured or processed products of wheat, oats, dry peas, corn and barley, and selling the same at wholesale, are taxable under the Wholesaling classification upon their gross proceeds of sales. The tax imposed under this classification does not apply to persons producing wheat, oats, dry peas, corn and barley and selling the same at wholesale.

WHEAT, OATS, DRY PEAS, CORN AND BARLEY. Persons buying wheat, oats, dry peas, corn and barley, and selling the same at wholesale as such and not as a manufactured or processed product thereof, are taxable under the Wheat, Oats, Dry Peas, Corn and Barley classification upon their gross proceeds of sales.

~~((RETAIL SALES TAX~~

~~Persons engaged in the business of buying or producing wheat, oats, dry peas, corn and barley, and selling the same at retail, are required to collect the retail sales tax upon the selling price thereof.))~~

Revised ~~((June 1, 1965))~~ April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-166 HOTELS, MOTELS, BOARDING HOUSES, ROOMING HOUSES, RESORTS, SUMMER CAMPS, TRAILER CAMPS, ETC. (RULE 166). A hotel, motel, boarding house, rooming house, apartment hotel, resort lodge, auto or tourist camp, and bunkhouse, as used in this ruling, includes all establishments which are held out to the public as an inn, hotel, public lodging house, or place where sleeping

accommodations may be obtained, whether with or without meals or facilities for preparing the same. The foregoing does not include establishments in the business of renting real estate, such as apartments, nor does it include hospitals, sanitariums, nursing homes, rest homes, and similar institutions. Further, the foregoing does not include private lodging houses, dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms solely for the accommodation of employees of such firms, and which are not held out to the public as a place where sleeping accommodations may be obtained. The terms do not include guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc.

A boarding house, as used in this ruling, is an establishment selling meals on the average to five or more persons, exclusive of members of the immediate family. Where meals are furnished to less than five persons, exclusive of members of the immediate family, the establishment will not be considered as engaging in the business of operating a boarding house.

A trailer camp as used in this ruling is an establishment making a charge for the rental of space to transients for locating or parking house trailers, campers, mobile homes, tents and the like which provide sleeping or living accommodations for the occupants. Additional charges for utility services will be deemed part of the charge made for the rental.

It will be presumed that the above establishments are conferring a license to use real estate, as distinguished from a rental of real estate, where the occupant is a transient. Conversely, where the occupant who receives lodging is or has become a nontransient, it will be conclusively presumed that the occupancy is under a rental or lease of real property.

Where lodging is furnished a transient, as that term is hereinafter defined, the charge therefor is subject to the retail sales tax and to the business and occupation tax under the Retailing classification. Where the lodging is furnished a nontransient, the transaction is deemed a rental of real estate and is exempt from tax.

The term "transient" as used in this rule means: Any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property and who does not continuously occupy the premises for a period of one month. Where such occupant remains in continuous occupancy for more than one month, he shall be deemed a transient as to his first month of occupancy, unless he has contracted in advance to remain one month. In cases where such person has so contracted in advance and does so remain in continuous occupancy for one month, he will be deemed a nontransient from the start of his occupancy.

An occupant does not become entitled to a refund of retail sales tax paid for lodging as a transient by reason of having remained one month and having thereby qualified as a nontransient.

The tax liability of hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc., is as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Amounts derived from the charge made to transients for the furnishing of lodging; charges for such services as the rental of radio and television sets and the rental of rooms, space and facilities not for lodging, such as ballrooms, display rooms, meeting rooms, etc., and including automobile parking or storage; also amounts derived from the sale of tangible personal property at retail are taxable under this classification. See "retail sales tax" below for a more detailed explanation of the charges included herein as retailing.

SERVICE AND OTHER BUSINESS ACTIVITIES. Taxable under this classification are amounts derived from the rental of sleeping accommodations by private lodging houses, and by dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms and which are not held out to the public as a place where sleeping accommodations may be obtained; commissions received from acting as a laundry agent for guests (see WAC 458-20-165) and commissions received for the use of telephone facilities. Summer camps, guest ranches and similar establishments making an unsegregated charge for meals, lodging, instruction and the use of recreational facilities must report the gross income from such charges under this classification. This classification is also applicable to gross income from charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants. (See WAC 458-20-165 for information regarding the tax liability of laundry services generally.)

RETAIL SALES TAX

All sales and rentals of tangible personal property by such persons are subject to the retail sales tax.

The charge made for the furnishing of lodging and other services to transients is subject to the retail sales tax. Included is the charge made by a trailer camp for the furnishing of space and other facilities. Charges for automobile parking and storage are also subject to the retail sales tax.

Except as to guest ranches and summer camps as described herein, when a lump sum is charged for lodging to nontransients and for meals furnished, the retail sales tax must nevertheless be paid upon the fair selling price of such meals, and unless accounts are kept showing such fair selling price, the tax will be computed upon double the cost of the meals served; and the cost shall include the price paid for food and drinks served, the cost of preparing and serving meals, and all other costs incidental thereto, including an appropriate portion of overhead expenses. The retail sales tax is not applicable to charges for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house or trailer camp for the exclusive use of the tenants.

All sales of tangible personal property to such persons, except such property as is to be resold as tangible personal property are subject to the retail sales tax. In this regard, all sales of tangible personal property for use in

the furnishing of lodging and related services are subject to the retail sales tax, the charge made for lodging being for services rendered and not for the sale of any tangible property as such; included are items such as soap, towels, linens, laundry, laundry supply services and furnishings. ~~((The retail sales tax is applicable to))~~ See WAC 458-20-244 (Rule 244) for sales to persons operating guest ranches and summer camps of food supplies for use in the preparation of meals served to guests when such persons make an unsegregated charge for meals, lodging, and services and report such charges under the classification Service and Other Activities as herein provided.

Revised ~~((June 1, 1970))~~ April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-167 EDUCATIONAL INSTITUTIONS, SCHOOL DISTRICTS, STUDENT ORGANIZATIONS, PRIVATE SCHOOLS (RULE 167). As used herein: an "educational institution" means only those institutions defined as such in WAC 458-20-114; the term "private school" means all schools which are excluded from said definition.

BUSINESS AND OCCUPATION TAX

Persons operating private schools are taxable under the Service and Other Business Activities classification upon gross income derived from tuition fees, rental of rooms and equipment and other service income.

Such persons are also taxable under the Retailing classification upon gross retail sales of articles of tangible personal property sold by them, when the charge therefor is specified and is not included within the charge made for tuition.

Educational institutions, school districts and student organizations are not subject to the business and occupation tax with respect to activities directly connected with the educational program, such as operation of a common dining room, sale of lab supplies, etc. Charges made for the operating of privately operated kindergartens are exempt from business tax.

RETAIL SALES TAX

The retail sales tax applies upon all sales of tangible personal property made by school districts (except ~~((lunches to pupils))~~ see WAC 458-20-244 for sales of meals) or by educational institutions, private schools and student organizations, when the charge therefor is specific and not included within the charge made for tuition.

~~((The providing of lunches for pupils by school districts is a part of the educational program of the common schools. Sales of food products to school districts for such purposes are retail sales and the retail sales tax applies thereto. The retail sales tax does not apply upon sales of lunches by school districts to pupils or teachers:))~~

CERTIFICATES OF REGISTRATION

Persons engaged in the business of operating private schools are required to obtain a certificate of registration in accordance with the provisions of WAC 458-20-101.

Educational institutions, school districts or student organizations making taxable retail sales of tangible personal property, are also required to apply for and obtain from the Department of Revenue a certificate of registration. Such certificate will be issued upon the filing of application Form 2401 and payment of a fee of \$1.00. Branch certificates will be issued to each school within a registered district without charge. When applying for a certificate, the district should furnish the name and address of each school and student organization that engages in a taxable activity.

Each school district may file a single return which shall include the retail sales tax due from all schools and student organizations within the district.

Revised (~~June 1, 1965~~) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-168 HOSPITALS (RULE 168). The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term "nursing home" means only institutions defined as nursing homes in chapter 81.51 RCW.

BUSINESS AND OCCUPATION TAX

The gross income of hospitals for medical services is subject to business and occupation tax under the Service and Other Activities classification. The Retailing business and occupation tax applies to sales of drugs, medicines, eye glasses, lenses, devices, orthopedic appliances, and similar articles, when billed and accounted for separately from hospital services rendered.

In computing business tax liability of hospitals, there may be deducted from the measure of the tax the following:

1. Amounts derived as compensation for services rendered or to be rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated by the United States of America or any of its instrumentalities or by the State of Washington or any of its political subdivisions.

2. Amounts derived as compensation for services rendered to patients by a hospital as defined in chapter 70.41 RCW when such hospital is operated as a nonprofit corporation but only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

No deduction will be allowed under "2" above, unless written evidence be submitted to the Department of Revenue showing that the hospital building is entitled to exemption from taxation under the property tax laws of this state.

In computing business tax liability of nursing homes and homes for unwed mothers there may be deducted from the measure of tax the following. Amounts derived

as compensation for services rendered to patients by nursing homes and homes for unwed mothers operated as religious or charitable organizations but only if no part of the net earnings received by such nursing homes or homes for unwed mothers inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder.

Persons operating hospitals, nursing homes, convalescent homes, clinics, rest homes, health resorts and similar institutions which are not operated as above provided are taxable under the classification Service and Other Activities upon the gross income received from personal or professional services.

In computing tax liability there may be deducted from gross income so much thereof as was derived from bona fide contributions, donations and endowment funds. (See WAC 458-20-114.)

RETAIL SALES TAX

Gross retail sales by hospitals which are subject to Retailing business tax, as provided above, are subject to retail sales tax. However, sales of drugs, medicines, prescription lenses, or other substances, prescribed by medical practitioners are deductible from gross retail sales where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained, and such sales are separately accounted for. See WAC 458-20-188.

Sales of (~~(food;)~~) medical supplies, equipment, (~~(etc.;~~) and the like to hospitals(;) and nursing homes(~~(-etc.;~~) are subject to the retail sales tax, irrespective of whether or not such hospitals(;) or nursing homes(~~(-etc.;~~) are subject to the business tax.

(For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

Revised (~~June 24, 1974~~) April 28, 1978.
Effective July 1, (~~1974~~) 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-169 RELIGIOUS, CHARITABLE, BENEVOLENT, NONPROFIT SERVICE ORGANIZATIONS, AND SHELTERED WORKSHOPS (RULE 169). Religious, charitable, benevolent, and nonprofit service organizations are subject to the excise taxes imposed by the Revenue Act of 1935 with the following exceptions only:

Religious, charitable, benevolent, and nonprofit service organizations serving meals for fund raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, unless such meals are served more frequently than once every two weeks. Religious, charitable, benevolent, and nonprofit service organizations conducting bazaars or rummage sales are not engaged in the business of making sales at retail and are not required to collect the retail sales tax nor pay the business and occupation tax where such bazaars or rummage sales are conducted intermittently and do not extend over a period of more than two days. Similarly, when such organizations make retail sales in the course of annual fund raising drives, or make

such sales through concessions operated intermittently and for short periods of time for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for.

~~((The retail sales tax or use tax must be collected or paid upon sales to, or purchases by, such organizations of food products or other tangible personal property for resale under the conditions outlined above.))~~ However, in every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in published WAC 458-20-102.

SHELTERED WORKSHOPS. The gross income received by nonprofit organizations from the operation of "sheltered workshops" is exempt from the business and occupation tax. "Sheltered workshops" is defined by the law to mean "rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals."

Revised ~~((June 1, 1970))~~ April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-176 PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING COMMERCIAL DEEP SEA FISHING OPERATIONS OUTSIDE THE TERRITORIAL WATERS OF WASHINGTON (RULE 176). As used herein:

The terms "such persons" and "such businesses" mean the persons and businesses described in the title of this rule.

The terms do not include sport fishermen nor persons operating charter boats for sport fishing. (See WAC 458-20-183 for tax liability of such persons.)

The term "watercraft" means every type of floating equipment which is designed for the purpose of carrying therein or therewith fishing gear, fish catch or fishing crews, and used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington.

The term "component part" includes all tangible personal property which is attached to and a part of a watercraft. It includes dories, gurdies and accessories, bait tanks, baiting tables and turntables. It also includes spare parts which are designed for ultimate attachment to a watercraft. The said term does not include equipment or furnishings of any kind which are not attached to a watercraft, nor does it include consumable supplies.

Thus it does not include, among other things, bedding, table and kitchen wares, fishing nets, hooks, lines, floats, hand tools, ice, fuel or lubricants.

BUSINESS AND OCCUPATION TAX

Such persons are not taxable under the Extracting classification with respect to catches obtained outside the territorial waters of this state.

Such persons are taxable under either the Retailing or the Wholesaling classification with respect to sales made within this state, unless entitled to exemption by reason of the commerce clauses of the federal constitution. (See WAC 458-20-193.)

RETAIL SALES TAX

By reason of the exemption contained in RCW 82.08.030(11), the retail sales tax does not apply upon sales of watercraft (including component parts thereof) which are primarily for use in conducting commercial deep sea fishing operations outside the territorial waters of this state, nor does said tax apply to sales of or charges made for labor and services rendered in respect to the constructing, repairing, cleaning, altering or improving of such property.

The retail sales tax applies upon sales made to such persons of every other type of tangible personal property and upon sales of or charges made for labor and services rendered in respect to the construction, repairing, cleaning, altering or improving of such other types of property. Thus the retail sales tax applies upon sales to such persons of such things as fishing nets, hooks, lines, floats and bait; table and kitchen wares; hand tools, ice, fuel, and lubricants ~~((and all other goods purchased))~~ for use or consumption, except only sales of watercraft and component parts thereof. For sales of food products see WAC 458-20-119 and 458-20-244.

EXEMPTION CERTIFICATES REQUIRED

Persons selling watercraft or component parts thereof to such persons or performing services with respect to the same, are required to obtain from the purchaser a certificate evidencing the exempt nature of the transaction. This certificate must identify the purchaser by name and address, and by name of the watercraft with respect to which the purchase is made, and must contain a statement to the effect that the property purchased or repaired is for use primarily in commercial deep sea fishing operations.

The certificate should be in substantially the following form:

EXEMPTION CERTIFICATE

I HEREBY CERTIFY that the this day ordered from or purchased from you, will be used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington; that the registered name of the water craft to which said purchase applies is (name of fishing boat); that said sale is entitled to exemption under the provisions of RCW 82.08.030(11) of the Washington Revenue Act of 1935, as amended.

Dated,19...

(Name of Purchaser)
By (Name of officer or agent)
Address

Incidental use within the waters of this state of fishing boats which are used primarily in deep sea fishing operations, will not deprive the owners thereof of the statutory exemption from the retail sales tax.

In the event the fishing boat with respect to which an exemption is claimed is of a type used in the waters of Puget Sound or the Columbia River and the tributaries thereof, and is not practical for use in deep sea fishing, sellers should collect the retail sales tax upon all sales of such boats and component parts thereof and upon charges made for the repair of the same.

It is a gross misdemeanor for a buyer to make a false certificate of exemption for the purpose of avoiding the tax.

USE TAX

The use tax does not apply upon the use of water craft or component parts thereof.

The use tax does apply upon the actual use within this state of all other types of tangible personal property purchased at retail and upon which the sales tax has not been paid (See WAC 458-20-178).

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-183 PLACES OF AMUSEMENT OR RECREATION (RULE 183). The term "sale at retail" is defined by RCW 82.04.050 to include certain amusement and recreation businesses. Those activities specifically included within the definition are golf, pool, billiards, skating, bowling, and ski lifts and tows. Thus, while the legislature has not defined the term "amusement and recreation business," it has indicated the type of businesses it intended to tax under this classification, i.e., recreations in which the payment is for participation. Accordingly, the language of this classification is construed to include the following additional amusement and recreation businesses: archery, badminton, bowling shoes rentals, croquet and handball courts, operation of charter boats for sport fishing, golf cart rentals, dancing, golf driving ranges, miniature golf, private fishing, shuffleboard, swimming facilities, tennis facilities, trampolines.

BUSINESS AND OCCUPATION TAX

Gross receipts from the amusement and recreation businesses listed above are taxable under the classification Retailing.

Such persons are taxable under the Retailing classification upon gross receipts from sales of meals, drinks, tobacco or other property sold by them.

RETAIL SALES TAX

The retail sales tax must be collected upon charges for admissions and the use of facilities by persons engaged in the amusement and recreation businesses listed above. The retail sales tax must also be collected upon ((aH)) sales of ((food, refreshments,)) cigarettes and other merchandise by persons engaging in such businesses. See WAC 458-20-244 for sales of food products.

When the charge for ((food, refreshments or other)) merchandise is included within a charge for admission which is not a "sale at retail" as defined herein, the retail sales tax applies to the charge made for both merchandise and admission, unless a proper segregation of such charge is made upon the books of account of the seller.

The retail sales tax applies upon the sale or rental of all equipment and supplies to persons conducting places of amusement and recreation, except merchandise which is resold by them.

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 73-1, filed 11/2/73)

WAC 458-20-187 COIN OPERATED VENDING MACHINES, AMUSEMENT DEVICES AND SERVICE MACHINES (RULE 187).

COIN OPERATED VENDING MACHINES, AMUSEMENT DEVICES AND SERVICE MACHINES

As used herein;

The term "vending machines" means machines which, through the insertion of a coin will return to the patron a predetermined specific article of merchandise or provide facilities for installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers. It includes machines which vend photographs, toilet articles, cigarettes and confections as well as machines which provide laundry and cleaning services.

The term "amusement devices" means those devices and machines which, through the insertion of a coin, will permit the patron to play a game. It includes slot and pinball machines and those machines or devices which permit the patron to see, hear or read something of interest.

The term "service machines" means any coin operated machines other than those defined as "vending machines" or "amusement devices". It includes, for example, scales and luggage lockers, but does not include coin operated machines used in the conduct of a public utility business, such as telephones and gas meters; also excluded are shuffleboards and pool games.

VENDING MACHINES. Persons operating vending machines are engaged in a retailing business and must report and pay tax under the Retailing classification with respect to the gross proceeds of sales.

AMUSEMENT DEVICES. Persons operating amusement devices, except shuffleboard, pool, and billiard games, are taxable under the Service and Other

Business Activities classification on the gross receipts therefrom.

Persons engaged in operating shuffleboards or games of pool or billiards are taxable under the Retailing classification on the gross receipts therefrom and are responsible for collecting and reporting to the department the retail sales tax measured by the gross receipts therefrom.

SERVICE MACHINES. Persons operating service machines are taxable under the Service and Other Business Activities classification upon the gross income received from the operation of such machines.

When coin operated machines are placed at a location owned or operated by a person other than the owner of the machines, under any arrangement for compensation to the operator of the location, the person operating the location has granted a license to use real property and will be responsible for reporting and paying tax upon his gross compensation therefor under the Service classification.

Where the owner of amusement devices which are placed at the location of another has failed to pay the gross receipts tax and/or retail sales tax due, the department may proceed directly against the operator of the location for full payment of all tax due.

The retail sales tax applies to the sale of merchandise (except see WAC 458-20-244 for sales of food products) through vending machines and persons owning and operating such machines are liable for the payment of such tax. For practical purposes such persons are authorized to absorb the amount of the tax on the individual sales and to pay directly to the department the retail sales tax on the total amount received from such machines. Where a vending machine is designed or adjusted so that single sales are made exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected from the purchaser, and the kind of merchandise sold through such machines is not sold by the operator over the counter or other than through vending machines at that location, the selling price for purposes of the retail sales tax shall be 60% of the gross receipts of the vending machine through which such sales are made. This 60% basis of reporting is available only to persons selling tangible personal property through vending machines.

In order to qualify for the foregoing reduction in the measure of the retail sales tax, the books and records of the operator must show for each vending machine for which such reduction is claimed: (1) the location of the machine, (2) the selling price of sales made through the machine, (3) the type and brands of merchandise vended through the machine and (4) the gross receipts from that machine. The foregoing records may be maintained for each location, rather than for each machine, in cases where several machines are maintained by the same operator at the same location, provided that all of such machines make sales exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected. The reduction will be disallowed in any instance where sales made through vending machines in such amounts are not clearly and accurately segregated from other sales by the operator and the burden is on the operator

to make sales under such conditions and to maintain such records as to demonstrate absolute compliance with this requirement.

Every operator or owner of a vending machine, before taking a deduction from gross sales through certain vending machines, shall file with the department annually an addendum to his application for registration with the department, on a form provided by the department, which form shall contain the following information:

1. Number of vending machines in his ownership making sales under the above minimum.

2. Value of such sales in the most recent calendar year.

3. A statement that no sales are made by the owner or operator at any machine location of articles or products sold through such machines, except by vending machines and no provision is made either through the machine or otherwise, for multiple sales under circumstances where the tax may legally be collected from the buyer.

The department will require a bond sufficient to assure recovery of any disallowed discount of tax due in any instance of registration where the department has reason to feel such recovery could be in jeopardy.

Sales of vending machines, service machines and amusement devices to persons who will operate the same are sales at retail and the retail sales tax is applicable to all such sales.

Revised April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 74-2, filed 6/24/74)

WAC 458-20-18801 PRESCRIPTION DRUGS (RULE 188).

BUSINESS AND OCCUPATION TAX

The business and occupation tax applies to all sales of drugs, medicines, prescription lenses, or other substances used for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment.

RETAIL SALES TAX

A deduction is allowed from gross retail sales for sales to patients of drugs, medicines, prescription lenses, or other substances, but only when

- a. dispensed by a licensed dispensary
- b. pursuant to a written prescription
- c. issued by a medical practitioner
- d. for diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans.

This deduction does not apply to sales of food. Thus, (~~special foods, diets, or~~) dietary supplements or dietary adjuncts do not qualify for the deduction even though prescribed by a physician.

Sales claimed deductible under this rule must be separately accounted for. As proof of entitlement to the deduction, sellers must retain in their files the written prescription bearing the signature of the medical practitioner who issued the prescription and the name of the patient for whom prescribed. See also WAC 458-20-150, Optometrists, Ophthalmologists, and Oculists; WAC

458-20-151, Dentists, Dental Laboratories and Physicians; and WAC 458-20-168; Hospitals.

USE TAX

The use tax does not apply to the articles and products deductible for sales tax as specified herein.

DEFINITIONS:

1. Prescription means a formula or recipe or an order therefor written by a medical practitioner for the composition, preparation and use of a healing, curative or diagnostic substance, and also includes written directions and specifications by physicians or optometrists for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects of anomalies of humans.

2. Other substances means products such as catalytics, hormones, vitamins, and steroids, but the term does not include devices, prostheses, instruments, equipment, orthopedic appliances, and similar articles.

3. Food means any substance the chief general use of which is for human nourishment.

4. Medical practitioner means a person within the scope of RCW 18.64.011(9) who is authorized to prescribe drugs, but excluding veterinarians, and for the purposes of this rule includes also persons licensed by chapter 18.53 RCW to issue prescriptions for lenses.

5. Licensed dispensary means a drug store, pharmacy or dispensary licensed by chapter 18.64 RCW or a dispensing optician licensed by chapter 18.34 RCW.

Revised April 28, 1978.

Effective July 1, ((1974)) 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-210 SALES OF FARM PRODUCTS BY FARMERS PRODUCING THE SAME (RULE 210). The term "farm products" as used herein means all farm products such as poultry, livestock, fruit, vegetables and grains.

All farmers engaging in the business of making retail sales of farm products produced by them are required to apply for and obtain a certificate of registration. The registration fee is \$1.00 and the certificate shall remain valid as long as the taxpayer remains in business.

BUSINESS AND OCCUPATION TAX

Farmers are not subject to tax under the Wholesaling classification of the business and occupation tax upon wholesale sales of farm products which have been raised by them upon land owned by or leased to them. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136), nor to the taking, cultivating, or raising of Christmas trees or timber.

Farmers are subject to tax under the Retailing classification of the business and occupation tax upon sales of farm products ~~((which are subject to the retail sales tax (see below)))~~ when the farmer holds himself out to the public as a seller by:

1. Conducting a roadside stand or a stand displaying farm products for sale at retail;

2. Posting signs on his premises, or through other forms of advertising soliciting sales at retail;

3. Operating a regular delivery route from which farm products are sold from door to door; or

4. Maintaining an established place of business for the purpose of making retail sales of farm products.

Farmers selling farm products not raised by them, should obtain information from the Department of Revenue with respect to their tax liability.

RETAIL SALES TAX

All farmers are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244, when the farmer holds himself out to the public as a seller ((by:

~~1. Conducting a roadside stand or a stand displaying farm products for sale at retail;~~

~~2. Posting signs on his premises, or through other forms of advertising soliciting sales at retail;~~

~~3. Operating a regular delivery route from which farm products are sold from door to door; or~~

~~4. Maintaining an established place of business for the purpose of making retail sales of farm products)) in any of the ways described above.~~

Revised ((June 1, 1970)) April 28, 1978.

Effective July 1, 1978.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-214 COOPERATIVE MARKETING ASSOCIATIONS AND INDEPENDENT DEALERS ACTING AS AGENTS OF OTHERS WITH RESPECT TO THE SALE OF FRUIT AND PRODUCE (RULE 214). Persons engaged in the business of buying and selling fruit or produce, as agents of others, and also in the business of washing, sorting, packing, warehousing, storing, or otherwise preparing for sale the fruit and produce of others, and activities incidental thereto, are taxable under the provisions of the business and occupation tax and the retail sales tax. Tax is due on the business activities of such persons, irrespective of whether the business is conducted as a cooperative marketing association or as an independent produce agent, as follows:

BUSINESS AND OCCUPATION TAX

RETAILING. Taxable with respect to the sale of ladders, picking bags, and similar equipment, sold for consumption.

WHOLESALE. Taxable with respect to:

1. The sale of boxes, nails, labels and similar supplies sold to growers for their use in packing fruit and produce for sale;

2. The sale of insecticides used as spray for fruits and produce;

COLD STORAGE WAREHOUSING. Taxable with respect to gross income from cold storage warehousing, but not including the rental of cold storage lockers.

SERVICE. Taxable under the Service and Other Business Activities classification with respect to:

1. Commissions for buying or selling;

2. Charges made for interest, no deduction being allowed for interest paid;

3. Charges for handling;

4. Charges for warehousing (but see WAC 458-20-182 for Public Warehouses);

5. Charges for receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein, when performed for persons other than the grower thereof;

6. Rentals of cold storage lockers; and

7. Other miscellaneous charges, including analysis fees, but excepting actual charges made for foreign brokerage and bona fide charges for receiving, washing, sorting and packing fresh perishable horticultural crops and the materials and supplies used therein when performed for the grower, either as agent or independent contractor.

Where a seller performs packing services for the grower and furnishes the materials and supplies used therein, the amount of the charge therefor is deductible, even though the boxes and other packing material are loaned or charged to the grower prior to the time the fruit or produce is received for packing, provided that the boxes and packing materials are returned by the grower to the seller for use in packing fruit and produce for the grower.

RETAIL SALES TAX

The retail sales tax applies to sales of ((fruit, produce,)) ladders, picking bags, and other equipment sold to consumers, whether sold by associations to members, or by agents to their principals. See WAC 458-20-244 for sales of food products.

USE TAX

The use tax applies upon the use by consumers of any article of tangible personal property, unless the user paid the Washington retail sales tax upon the sale of the property to him.

Revised ((June 1, 1970)) April 28, 1978.
Effective July 1, 1978.

WSR 78-07-046
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 28, 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 the amending of WAC 388-33-576 relating to loss, theft or destruction of warrant payable to recipient;

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

Gerald E. Thomas
Acting Secretary
Department of Social and Health Services

Mail Stop OB-44
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Bldg #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 27, 1978

By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1164, filed 10/27/76)

WAC 388-33-576 LOSS, THEFT OR DESTRUCTION OF WARRANT PAYABLE TO RECIPIENT. (1) The legal authority for issuing a duplicate warrant is found in RCW 43.08.064 and ((RCW)) 43.08.066.

(2) A recipient payee reporting to the ESSO that he has not received his warrant or that his unendorsed warrant has been lost, stolen or destroyed is given full consideration. The ESSO shall have the recipient payee complete an affidavit or affidavits attesting to the reported facts.

(3) The ESSO shall secure all facts surrounding the nonreceipt or loss reported in subsection (2), assess the reported facts and make a judgment as to the validity of the report, determine a course of appropriate action, and inform the recipient, record the details of the report and the decision in the financial record.

(4) In cases where the facts surrounding the nonreceipt or loss are clear and the ESSO is satisfied a loss has occurred a ((request for an exception to policy shall be made to the regional office for replacement assistance)) replacement warrant shall be issued.

(5) In cases where the facts surrounding the nonreceipt or loss are not clear and question remains as to the validity of the nonreceipt or loss, a request for replacement is made directly to the ((general audit unit)) disbursements section. Replacement will be made only after further investigation is completed and validity of the nonreceipt or loss is verified.

(6) A report which indicates a warrant is lost in the mail system will be held in abeyance for ((10)) five working days from the mailing date of the warrant to allow the warrant to be delivered or returned to the ESSO. If the recipient ((is unable to wait 10 days a request for an exception to policy shall be made to the regional office to waive the 10 day waiting period)) has an emergent situation, the five day period may be waived by the ESSO administrator.

(7) ((A loss or nonreceipt reported to the ESSO 60 days or more after the mailing date of the warrant will not be replaced by an exception to policy.)) Replacement must be requested directly from ((general audit unit)) disbursements when a loss or nonreceipt is reported to the ESSO sixty days or more after the mailing date of the warrant.

(8) An unendorsed warrant which is lost, stolen or destroyed shall be replaced in full. Restrictively or specially endorsed warrants shall be deemed to be unendorsed warrants for the purposes of this subsection.

(9) An endorsed warrant which is lost, stolen or destroyed shall be considered under the rules in WAC 388-33-577 for lost, stolen or destroyed proceeds from the warrant.

(10) The state and economic and social service offices shall take appropriate action to protect the state from loss if the original unendorsed warrant is redeemed by the state treasurer.

WSR 78-07-047
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 28, 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:

- Rep ch. 388-63 WAC relating to family homes for retarded adults.
- New ch. 388-73 WAC relating to child care agencies—Adult family homes—Minimum licensing requirements.
- Rep ch. 388-75 WAC relating to minimum requirements for licensing child care agencies and maternity services;

Public hearings were held as scheduled in WSR 78-05-089. The purpose of this notice is to postpone adoption from June 28 until July 20, 1978.

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

Gerald E. Thomas
 Acting Secretary
 Department of Social and Health Services
 Mail Stop OB-44
 Olympia, WA;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 20, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.15.030.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-05-089 filed with the code reviser's office on 5/3/78.

Dated: June 28, 1978
 By: Thomas G. Pinnock
 Acting Secretary

WSR 78-07-048
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)
 [Order 1309—Filed June 28, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Water System Coordination Act Procedural regulations, new chapter 248-56 WAC.

This action is taken pursuant to Notice No. WSR 78-05-093 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.116 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) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 21, 1978.

By Thomas G. Pinnock
 Acting Secretary

Chapter 248-56
WATER SYSTEM COORDINATION ACT:
PROCEDURAL REGULATIONS

- WAC
- 248-56-100 Purpose.
- 248-56-200 Definitions.
- 248-56-300 Preliminary assessment - requirement.
- 248-56-310 Preliminary assessment - procedures.
- 248-56-400 Declaration of critical water supply service area.
- 248-56-500 Water utility coordinating committee - establishment.
- 248-56-510 Water utility coordinating committee - purpose.
- 248-56-600 Establishment of external critical water supply service area boundaries - procedures.
- 248-56-610 Establishment of external critical water supply service area boundaries - criteria.
- 248-56-620 Establishment of critical water supply service area boundaries - effect.
- 248-56-630 Alteration of external critical water supply service area boundaries.
- 248-56-640 Update of external critical water supply service area boundaries.
- 248-56-700 Coordinated water system plan - requirement.
- 248-56-710 Coordinated water system plan - water system plan.
- 248-56-720 Coordinated water system plan - supplementary provisions.
- 248-56-730 Service area agreements - requirement.
- 248-56-740 Coordinated water system plan - procedures (water utility coordinating committee).
- 248-56-750 Coordinated water system plan - effect.
- 248-56-760 Coordinated water system plan - update.
- 248-56-800 Coordinated water system plan - local review.
- 248-56-810 Coordinated water system plan - department approval.
- 248-56-900 Severability.

NEW SECTION

WAC 248-56-100 PURPOSE. This chapter is promulgated pursuant to the authority granted in the public water system coordination act of 1977, Chapter 70.116

RCW, for the purpose of implementing a program relating to public water system coordination within the state of Washington, for evaluation and determination of critical water supply service areas, and assistance for orderly and efficient public water system planning.

NEW SECTION

WAC 248-56-200 DEFINITIONS. (1) "Public water system" - Any system or water supply intended or used for human consumption or other domestic uses including, but not limited to, source, treatment, storage, transmission and distribution facilities where water is furnished to any community, number of individuals or is made available to the public for human consumption or domestic use. This definition shall exclude any water system serving one single family residence, water systems existing prior to September 21, 1977 which are owner operated and serve less than ten single family residences, and water systems serving no more than one industrial plant.

(2) "Purveyor" - Any agency or subdivision of the state or any municipality, firm, company, mutual or cooperative association, institution, partnership, person, or any other entity that owns or operates a public water system for wholesale or retail service (or their authorized agent).

(3) "Municipality" - Any county, city, town, or any other entity having its own incorporated government for local affairs including, but not limited to, metropolitan municipal corporation, public utility district, water district, irrigation district, sewer district, and/or port district.

(4) "Inadequate water quality" - An excess of maximum contaminant levels established by the state board of health (Chapter 248-54 WAC).

(5) "Unreliable service" - Low pressure or quantity problems, and/or frequent service interruption inconsistent with state board of health requirements (Chapter 248-54 WAC).

(6) "Lack of coordinated planning" - Failure to resolve existing or potential areawide problems related to:

(a) Insufficient control over development of new public water systems.

(b) Adjacent or nearby public water systems constructed according to incompatible design standards.

(c) No future service area agreements, or conflicts in existing or future service areas.

(d) Adjacent public water systems which could benefit from emergency interties or joint-use facilities.

(e) Water system plans which have not been updated in accordance with Chapter 248-54 WAC.

(f) Inconsistencies between neighboring water system plans, or failure to consider adopted county or city land use plans or policies.

(7) "Critical water supply service area" - A geographical area designated by the department or county legislative authority characterized by public water system problems related to inadequate water quality, unreliable service, and/or lack of coordinated water system planning. It may be further characterized by a proliferation of small, inadequate public water systems, or by

water supply problems which threaten the present or future water quality or reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by public water systems in the area.

(8) "County legislative authority" - The board of county commissioners or that body assigned such duties by a county charter as enacting ordinances, passing resolutions, and appropriating public funds for expenditure.

(9) "Local planning agency" - The division of city or county government responsible for land use planning functions.

(10) "Coordinated water system plan" - A plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible.

(11) "Existing service area" - A specific area within which direct service or retail service connections to customers of a public water system are currently available.

(12) "Future service area" - A specific area for which water service is planned by a public water system, as determined by written agreement between purveyors provided for in WAC 248-56-730.

(13) "Department" - The Washington state department of social and health services.

NEW SECTION

WAC 248-56-300 PRELIMINARY ASSESSMENT - REQUIREMENT. In areas where public water systems are suspected of having problems related to inadequate water quality, unreliable service, or lack of coordinated planning, a preliminary assessment shall be undertaken to determine if the geographical area should be designated a critical water supply service area. (See WAC 248-56-200 for definitions).

NEW SECTION

WAC 248-56-310 PRELIMINARY ASSESSMENT - PROCEDURES. (1) The preliminary assessment shall be conducted under the authority of the county legislative authority(ies) and the department with assistance from affected state and local agencies and water purveyors.

(2) Notice that a preliminary assessment is being undertaken shall be made to all affected parties, those who have demonstrated an interest, and the local news media.

(3) The preliminary assessment shall be presented in report form, as short and factual as possible, and shall consider at least the following topics as they relate to public water systems in the potential critical water supply service area:

(a) Existing water systems, including:

(i) history of water quality, reliability and service,

(ii) general fire fighting capability of the utilities, and

(iii) identification of major facilities which need to be expanded, altered, or replaced.

(b) Availability and adequacy of future water source(s).

(c) Service area boundaries, including a map of established boundaries and identification of systems without established boundaries.

(d) Present growth rate.

(e) Status of water system planning, land use planning, and coordination, including a list of land use plans and policies adopted by local general purpose governments.

(4) Upon completion, the preliminary assessment shall be submitted to the county legislative authority(ies) and the department for review. A copy shall also be transmitted to all potentially affected water purveyors and appropriate news media.

NEW SECTION

WAC 248-56-400 DECLARATION OF CRITICAL WATER SUPPLY SERVICE AREA. (1) Based upon review of the preliminary assessment, if findings indicate that a geographical area does have problems related to inadequate water quality, unreliable service, or lack of coordinated planning, the county legislative authority(ies) or the department shall declare that area a critical water supply service area.

(2) The declaration shall be in the format of a legislative enactment signed by the county legislative authority(ies), or administrative declaration signed by the secretary of the department or his designee.

(3) The declaring agency shall file its declaration with the other agency(ies) and notify in writing the appropriate local planning agencies, affected water purveyors, and the local news media within ten days.

NEW SECTION

WAC 248-56-500 WATER UTILITY COORDINATING COMMITTEE - ESTABLISHMENT. (1) Within 30 days following the declaration of a critical water supply service area, a water utility coordinating committee shall be appointed by the declaring agency(ies).

(2) The water utility coordinating committee shall consist of one representative from each of the following:

(a) Each county legislative authority within the declared area,

(b) Each county planning agency having jurisdiction within the declared area,

(c) Each health agency having jurisdiction within the declared area (chapters 70.08, 70.05, 43.20 RCW),

(d) Each water purveyor with over fifty services within the declared area.

(Other agencies or purveyors shall be appointed as ex officio members of the committee if determined appropriate by the county legislative authority(ies) or the department).

(3) In order for the water utility coordinating committee to conduct business, at least half but not less than three representatives from the entities listed in subsection (2) shall be present.

(4) At the first meeting of the water utility coordinating committee, the following shall be determined by consensus:

(a) Chairperson

(b) Rules for conducting business, including voting procedure.

NEW SECTION

WAC 248-56-510 WATER UTILITY COORDINATING COMMITTEE - PURPOSE. (1) The initial purpose of the water utility coordinating committee shall be to recommend external critical water supply service area boundaries to the county legislative authority(ies) within six months of appointment of the committee. (See WAC 248-56-600).

(2) Following establishment of external critical water supply service area boundaries, the water utility coordinating committee shall be responsible for development of the coordinated water system plan. (See WAC 248-56-740).

NEW SECTION

WAC 248-56-600 ESTABLISHMENT OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES - PROCEDURES. (1) Proposed boundaries shall be documented by a written report which includes:

(a) A map and narrative description of the recommended boundary.

(b) A narrative statement outlining the reasons for the recommended boundary location, the criteria used and relative importance of each.

(2) Prior to submittal of recommended external boundaries to the county legislative authority(ies), the water utility coordinating committee shall conduct at least one informational meeting for the purpose of soliciting public input.

(3) The water utility coordinating committee shall make a formal report of its recommended external critical water supply service area boundaries to the county legislative authority(ies).

(4) The county legislative authority(ies) shall conduct at least two public hearings on the proposed boundaries within six months from the date the boundaries were submitted by the water utility coordinating committee, for the purpose of soliciting responses to the proposed boundaries.

(5) Within six months from the date proposed boundaries are submitted to the county legislative authority(ies), one of the following actions may be taken by the county legislative authority(ies):

(a) Ratify the proposed boundaries based on findings at the public hearings, or

(b) Modify the proposed boundaries in accordance with findings of the public hearings, and then ratify the revised boundaries.

If neither of the above actions are taken by the county legislative authority(ies) within six months, the boundaries as stated in the proposal submitted by the water utility coordinating committee to said county legislative authority(ies) shall be automatically ratified.

NEW SECTION

WAC 248-56-610 ESTABLISHMENT OF EXTERNAL CRITICAL WATER SUPPLY SERVICE

AREA BOUNDARIES – CRITERIA. (1) The water utility coordinating committee, in recommending, and county legislative authority(ies), in determining the location of external critical water supply service area boundaries shall consider factors including, but not limited to:

- (a) Existing land use,
 - (b) Projected land use and permitted densities as documented in adopted county or city plans, ordinances and/or growth policies for at least 10 years into the future,
 - (c) Other planning activities or boundaries which may affect land use or water system planning,
 - (d) Physical factors limiting provision of water service,
 - (e) Existing political boundaries, including boundary agreements in effect and attitudes towards expanding those boundaries,
 - (f) Future service areas of existing utilities,
 - (g) Hydraulic factors, including potential pressure zones or elevations,
 - (h) Economic ability of the public water systems to meet minimum service requirements.
- (2) External critical water supply service area boundaries shall not divide any purveyor's existing, contiguous service area. Areas served by a wholesale purveyor may be divided into as many existing service areas as may be justified by geography, engineering or other factors discussed in the preliminary assessment.

NEW SECTION

WAC 248-56-620 ESTABLISHMENT OF CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES – EFFECT. (1) No new public water system shall be approved within a critical water supply service area subsequent to establishment of external boundaries unless specifically authorized by the department. Authorization shall be based upon compliance with the following:

(a) If unanticipated demand for water supply occurs within a purveyor's future service area, the following shall apply in the listed sequence:

(i) The existing purveyor shall provide service in a timely and reasonable manner consistent with state board of health regulations; or

(ii) A new public water system may be developed on a temporary basis. Before authorization, a legal agreement will be required which includes a schedule for the existing purveyor to assume management and/or connect the new public water system to the existing system; or

(iii) A new public water system may be developed. Before authorization, a revised service area agreement establishing the new purveyor's future service area will be required.

(b) If a demand for water supply occurs outside any purveyor's future service area, the following shall apply in the listed sequence:

(i) those persons anticipating the need for water service shall contact existing nearby purveyors within the critical water supply service area to determine whether

any will be interested in expanding their system to provide water service in a timely and reasonable manner consistent with state board of health regulations.

(ii) A new public water system may be developed on a temporary basis. Before authorization, a legal agreement will be required which includes a schedule for an existing system to assume management and/or connect the new public water system to an existing system; or

(iii) A new public water system may be developed.

Any of the options listed in subdivisions (b)(i), (b)(ii), or (b)(iii) will require establishment of new or revised service area agreements.

(2) If a new public water system is developed, it shall have an approved water system plan pursuant to WAC 248-54-580 and the provisions of this chapter. The plan shall include a section addressing the outcome of subsections (1)(a), or (1)(b) along with documented confirmation by the appropriate existing purveyor(s).

(3) Any proposed new public water system shall not be inconsistent with local adopted land use plans, shoreline management programs, and/or development policies as determined by the appropriate county or city legislative authority(ies).

(4) If a coordinated water system plan has been approved for the affected area, all proposed new public water systems shall be consistent with the provisions of that plan.

NEW SECTION

WAC 248-56-630 ALTERATION OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES. (1) After establishment of external critical water supply service area boundaries, those boundaries may not be altered until the coordinated water system plan is completed.

(2) Alteration of external critical water supply service area boundaries may be initiated by the department or county legislative authority(ies) in accordance with the procedures and criteria identified in WAC 248-56-600 and WAC 248-56-610. In addition:

(a) The department or county legislative authority(ies), whichever initiates alteration of external boundaries, shall prepare a brief report documenting the need for such alteration, and

(b) The department or county legislative authority(ies), whichever initiates preparation of the report, shall reconvene the water utility coordinating committee and present the report to the committee, together with instructions for committee action.

(3) The coordinated water system plan shall be revised as necessary, due to alteration of external critical water supply service area boundaries, within six months of the date of such action taken by the county legislative authority(ies), unless an extended schedule is approved by the department.

NEW SECTION

WAC 248-56-640 UPDATE OF EXTERNAL CRITICAL WATER SUPPLY SERVICE AREA BOUNDARIES. External critical water supply service area boundaries shall be reviewed by the water utility

coordinating committee and the county legislative authority(ies) at least once every five years, as part of the update of the coordinated water system plan. (See WAC 248-56-760).

NEW SECTION

WAC 248-56-700 COORDINATED WATER SYSTEM PLAN - REQUIREMENT. (1) A coordinated water system plan shall be required for the entire area within the external critical water supply service area boundaries.

(2) In critical water supply service areas where more than one water system exists, a coordinated water system plan shall consist of either:

(a) A compilation of water system plans approved pursuant to WAC 248-54-580, together with supplementary provisions addressing water purveyor concerns relating to the entire critical water supply service area (fulfilling requirements of WAC 248-56-710 and 248-56-720 respectively), or

(b) A single plan covering all affected public water systems and areawide concerns within the external critical water supply service area boundaries (fulfilling requirements of both WAC 248-56-710 and 248-56-720).

(3) The coordinated water system plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being.

(4) The coordinated water system plan shall not be inconsistent with adopted county and city land use plans, ordinances, and/or growth policies addressing development within the critical water supply service area for at least five years beyond the date of establishment of external boundaries.

(5) If no land use plans, ordinances, or growth policies are in effect for all or a portion of the area within the critical water supply service area at the time the coordinated water system plan is being prepared, the coordinated water system plan shall be based upon the best planning data available from the appropriate local planning agency(ies).

(6) In critical water supply service areas where only one public water system exists, the coordinated water system plan shall consist of the water system plan for the water system. (See WAC 248-54-580 and 248-56-710).

NEW SECTION

WAC 248-56-710 COORDINATED WATER SYSTEM PLAN - WATER SYSTEM PLAN. (1) Each purveyor within the external critical water supply service area boundaries shall be responsible for completion of a water system plan for the purveyor's future service area, including provisions of WAC 248-56-730, if such a plan has not already been approved, with the following exception:

(a) Non-municipally owned public water systems shall be exempt from the planning requirements (except for the establishment of service area boundaries pursuant to WAC 248-56-730) if they:

- (i) were in existence as of September 21, 1977; and
- (ii) have no plans for water service beyond their existing service area; and
- (iii) meet minimum state board of health requirements (Chapter 248-54 WAC).

NOTE: If the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section.

(2) Each purveyors' water system plan shall be updated at the time the coordinated water system plan is prepared, which will eliminate the necessity of updating the water system plan prior to the mandatory five year update of the coordinated water system plan.

(3) The content of a water system plan shall be consistent with WAC 248-54-580 and shall comply with guidelines* which may be obtained from the department. These guidelines have been compiled to further assist in meeting the purpose of this chapter, and address three levels of planning requirements varying in detail, based upon the size of the public water system.

NEW SECTION

WAC 248-56-720 COORDINATED WATER SYSTEM PLAN - SUPPLEMENTARY PROVISIONS. (1) All water purveyors within the external critical water supply service area boundaries (with the exception of the systems specifically exempted in WAC 248-56-710 (1)) shall be notified and asked to participate in the development of the supplementary provisions.

(2) The supplementary provisions shall address areawide water system concerns relating to the entire critical water supply service area. The content of the supplementary provisions shall comply with guidelines* which may be obtained from the department.

The supplementary provisions shall include, but not be limited to:

- (a) Assessment of related, adopted plans,
- (b) Identification of future service areas and service area agreements (WAC 248-56-730),
- (c) Minimum areawide water system design standards, including fireflow performance standards,
- (d) Procedures for authorizing new water systems in the critical water supply service area,
- (e) Assessment of potential joint-use or shared water system facilities and/or management programs.

*Copies of DSHS guidelines entitled, "Plan Contents Guidelines" may be obtained without charge from the Department of Social and Health Services, Water Supply and Waste Section, Mail Stop LD-11, Olympia, Washington 98504.

NEW SECTION

WAC 248-56-730 SERVICE AREA AGREEMENTS - REQUIREMENT. (1) The service area boundaries of public water systems within the critical water supply service area shall be determined by written agreement among the respective existing purveyors and approved by the appropriate legislative authority(ies).

(2) Future service area agreements shall be incorporated into the coordinated water system plan as provided for in the guidelines identified in WAC 248-56-720.

(3) Future service area boundaries of public water systems shall be determined by existing purveyors. Criteria used in the establishment of future service areas should include, but not be limited to: topography, readiness and ability to provide water, local franchise areas, legal water system boundaries, city limits, future population, land use projections, and sewer service areas.

(4) All future service areas shall not be inconsistent with adopted land use plans, ordinances, and growth policies of cities, towns, and counties, located within the future service area boundaries.

(5) Failure of the legislative authority(ies) to file with the department objections to service area agreements within 60 days of receipt of the agreement shall indicate automatic approval.

(6) If no service area boundary agreement has been established after a conscientious effort by the purveyors within one year of establishment of the external critical water supply service area boundaries, or if the legislative authority(ies) has filed with the department objections in writing, the department shall hold a public hearing.

(7) If a public hearing is required for the establishment of service areas the following procedures shall apply:

(a) The department shall provide notice of the hearing by certified mail to:

(i) Each purveyor providing service in the critical water supply service area,

(ii) Each county legislative authority having jurisdiction in the area, and

(iii) The public pursuant to Chapter 65.16 RCW.

(b) The hearing may be continued from time to time.

(c) At the termination of the public hearing, the department may restrict the expansion of service of any purveyor within the external critical water supply service area boundaries if the department finds such restriction necessary to provide the greatest protection of the public health and well-being. (Individual retail or direct service connections shall not be considered an expansion).

NEW SECTION

WAC 248-56-740 COORDINATED WATER SYSTEM PLAN - PROCEDURES (WATER UTILITY COORDINATING COMMITTEE). (1) Following establishment of external critical water supply service area boundaries, the water utility coordinating committee shall be responsible for the development of a coordinated water system plan.

(2) No later than two months after establishment of the external critical water supply service area boundary the water utility coordinating committee shall meet for the purpose of formulating arrangements for:

(a) preparation of the coordinated water system plan, and

(b) public involvement.

(3) The water utility coordinating committee shall meet as necessary in order to:

(a) Collect and assemble water system plans,

(b) Provide input and direction for the preparation of the supplementary provisions,

(c) Serve as a forum for developing and/or negotiating future service area agreements (WAC 248-56-730),

(d) Accomplish other related business as determined by the committee.

(4) Prior to submittal of the coordinated water system plan to the county legislative authority(ies) for review, the water utility coordinating committee shall:

(a) Prepare written comments on the plan for the benefit of the reviewing authority(ies),

(b) Conduct at least one public informational meeting for the purpose of soliciting public input,

(c) Evaluate and respond to comments received at the hearing(s).

NEW SECTION

WAC 248-56-750 COORDINATED WATER SYSTEM PLAN - EFFECT. (1) All purveyors constructing or proposing to construct public water system facilities within the area covered by the coordinated water system plan shall comply with the plan.

(2) At any time after two years of establishment of the external critical water supply service area boundaries, the department may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan. (Individual retail or direct service connections shall not be considered an expansion). (See WAC 248-56-620 for provisions pertaining to new public water systems in the interim two years).

NEW SECTION

WAC 248-56-760 COORDINATED WATER SYSTEM PLAN - UPDATE. (1) The coordinated water system plan shall be reviewed and updated by the water utility coordinating committee at a minimum of every five years or sooner, if the water utility coordinating committee feels it is necessary, in accordance with both the provisions of WAC 248-54-580 and this section.

(2) Changes in the coordinated water system plan shall be accomplished in accordance with procedures for developing a coordinated water system plan (WAC 248-56-740). If no changes are necessary, the water utility coordinating committee shall submit to the department a statement verifying that the coordinated water system plan is still current.

(3) If the external critical water supply service area boundaries are altered by the county legislative authority(ies) pursuant to WAC 248-54-630, the coordinated water system plan shall be updated as provided for in WAC 248-56-630.

NEW SECTION

WAC 248-56-800 COORDINATED WATER SYSTEM PLAN - LOCAL REVIEW. (1) Prior to submission of a coordinated water system plan to the department for approval, the plan shall be reviewed by the county legislative authority(ies) in the county(ies) in

which the critical water supply service area is located. County review of the coordinated water system plan shall include at least one public hearing.

(2) If no comments have been received from the county legislative authority(ies) within 60 days of receipt of the coordinated water system plan, the department may consider the plan for approval.

(3) If within 60 days of receipt of the coordinated water system plan, the county legislative authority(ies) find any segment of the plan to be inconsistent with adopted land use plans, shorelines master programs, the following shall occur:

(a) The county legislative authority(ies) shall submit written description of their determination and justification supporting their determination prior to the end of the 60 day period to the department and all affected parties.

(b) The county legislative authority(ies) shall make every effort to resolve any inconsistencies within 60 days of submittal of written justification.

(c) The department may approve those portions of the coordinated water system plan found not to be inconsistent with adopted plans and policies at any time after the initial determination by the county legislative authority(ies).

(d) If after the 60 day period established for resolution of inconsistencies an inconsistency still exists, the affected parties shall each present their final recommended alternative solution to the department. The department shall then review all alternative solutions and discuss its recommendations with the county(ies) and the water utility coordinating committee. If after two years of the declaration of the critical water supply service area the inconsistencies persist, the department may deny proposals to establish or to expand any public water system facilities which affect that portion of the critical water supply service area being contested.

NEW SECTION

WAC 248-56-810 COORDINATED WATER SYSTEM PLAN - DEPARTMENT APPROVAL. (1) A coordinated water system plan shall be submitted to the department for design approval within two years of the establishment of external critical water supply service area boundaries.

(a) In its review of the coordinated water system plan, the department shall ensure that every topic in the guidelines identified in WAC 248-56-720 has been covered to the extent necessary based on the size and nature of the water system(s) and characteristics of the critical water supply service area.

(b) The department shall not approve those portions of a coordinated water system plan which fail to meet the requirements for future service area boundaries pursuant to WAC 248-56-730.

(2) The department shall either approve the coordinated water system plan, or respond within 60 days from the date the plan is received.

NEW SECTION

WAC 248-56-900 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

WSR 78-07-049

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 16—Filed June 28, 1978]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, WA, the annexed rules relating to amendment of WAC 252-32-011, prohibition of parking on State Route 11 from Mile Post 17.80 to Mile Post 17.95, a distance of 0.15 mile.

This action is taken pursuant to Notice No. WSR 78-05-031 filed with the code reviser on 4/18/78. 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 June 19, 1978.

Thomas R. Garlington
Assistant Attorney General

By W. A. Bulley
Secretary

AMENDATORY SECTION (Amending Order 328, filed 9/30/77)

WAC 252-32-011 STATE ROUTE 011. (1) Sam Bell - Allen West Road Intersection. No parking any time on the east side of State Route 11, from junction Sam Bell - Allen West Road, Mile Post 2.85, to 0.05 mile northerly, Mile Post 2.90, a distance of 0.05 mile.

(2) Inspiration Point. Parking is prohibited on the west side of State Route 11 from Mile Post 17.80 to Mile Post 17.95, a distance of 0.15 mile.

WSR 78-07-050

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 17—Filed June 28, 1978]

I, W. A. Bulley, Secretary of Department of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, WA the annexed rules relating to addition of, Appendix to Title

252 WAC, the changes from Volume VIII, Official Rulings on Requests for interpretations, changes and experimentations to the Manual on Uniform Traffic Control Devices for streets and highways, chapter 252-990 WAC.

This action is taken pursuant to Notice No. WSR 78-05-034 filed with the code reviser on 4/18/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 47.36 RCW, Traffic Control Devices, 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 June 19, 1978.

Approved as to form: By W. A. Bulley
 Thomas R. Garlington Secretary
 Assistant Attorney General

Amendment to Chapter 252-990 WAC

The Manual on Uniform Traffic Control Devices for Streets and Highways, 1970 revision, is further amended and modified by the following designated rulings as contained in the Federal Highway Administration publication, "Official Rulings on Requests for Interpretation, Changes, and Experimentations", Volume VIII, dated December 1977, (a copy of which is attached hereto and by this reference is incorporated herein) which rulings are hereby adopted.

SIGNS

<u>Ruling</u>	<u>Subject</u>
Sn 47/107	Classification and Placement of Interchange Guide Signs
Sn 108	Truck Crossing Symbol Sign
Sn 111	Handicapped Crossing Symbol Warning Sign
Sn 141/142	Wrong Way Traffic Control
Sn 156	Two-Way Left Turn Sign
Sn 188	Fire Truck Crossing or Station Symbol Sign
Sn 191	Use of Keep Right Sign
Sn 192	Divided Highway Crossing Sign
Sn 195	Lateral Placement of Mile Post Markers
Sn 196	Signing for Long, Steep Downgrades
Sn 203	Narrow Bridge Symbol Sign
Sn 205	Playground Symbol Sign
Sn 206	Pavement Ends Symbol Sign
Sn 211	Chevron Alignment Sign
Sn 218	Guide Signs to Fringe Parking Areas
Sn 220	No Hitchhiking Symbol Sign
Sn 221	Tow-Away Zone Symbol Sign
Sn 222	Trailer Sanitary Disposal Station Sign

SIGNALS

<u>Ruling</u>	<u>Subject</u>
Sg 67	Traffic Control Devices at Movable Bridges
Sg 89	Symbolic Pedestrian Indications
Sg 95	Pedestrian Walk Interval

MARKINGS

<u>Ruling</u>	<u>Subject</u>
M-33	New Alphanumeric Alphabet
M-43	Yellow Traffic Cones and Tubular Markers
M-44	Speed Measurement Markings
M-45	Delineating Median Crossovers
M-48	End-of-Roadway Marker

CONSTRUCTION AND MAINTENANCE

<u>Ruling</u>	<u>Subject</u>
Cn 10	Advance Flagman Symbol Sign
Cn 13	Warning Signs for Both Men and Women, Worker Symbol
Cn 26	Advance Flashing Arrow Panels
Cn 33	Stronger Requirements for Local Traffic Signs

NEW PARTS TO THE MUTCD

<u>Ruling</u>	<u>Subject</u>
Part VIII	Traffic Control Systems for Railroad and Highway Grade Crossings
RR 4	Proper Referencing of Traffic Control Devices Handbook
Part IX	Traffic Controls for Bicycle Facilities

The following rulings have been modified for adoption and shall read as follows:

Sn 176
 Paragraph c, Item 3, Section 4B-5 as revised, shall read:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (a) and (b) above. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

Cn 30
 Sentence 2, Paragraph 1, Section 6c-12 as revised, shall read:

Markings no longer applicable which might create confusion in the minds of vehicle operators (~~shall~~) should be removed or obliterated as soon as practicable.

Sentence 1, Paragraph 2, Section 6c-12 as revised, shall read:

Conflicting pavement markings (~~must~~) should be obliterated to prevent confusion to vehicle operators.

WSR 78-07-051
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Resolution No. 78-5—Filed June 28, 1978]

Resolution No. 78-5

RESOLUTION OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 4 (SKAGIT VALLEY COLLEGE) RELATING TO THE SCHEDULING OF REGULAR BOARD MEETINGS FOR 1978

BE IT RESOLVED that the Board of Trustees of Skagit Valley Community College, Community College District No. 4, will hold the remainder of its 1978 regular meetings at 7:15 p.m. on the second Tuesday of each month in 1978, except for the month of August when there is no meeting. All of these meetings will be held in the Faculty-Staff Lounge in the Campus Center Building, Mount Vernon campus, 2403 College Way, Mount Vernon, Washington. The regular meetings will be preceded by dinner at 6:15 p.m.

The remaining dates of the regular meetings for 1978 are: July 11, September 12, October 10, November 14, and December 12.

This resolution replaces Resolution No. 77-6.

PASSED AND APPROVED by the Board of Trustees of Community College District No. 4, (Skagit Valley College), at a meeting thereof duly held this 13th day of June, 1978.

ATTEST:	COMMUNITY COLLEGE DISTRICT NO. 4 (SKAGIT VALLEY COLLEGE)
James M. Ford	William F. Johnston
.....
Secretary, Board of Trustees	Chairman, Board of Trustees

1978
REVISED SCHEDULE OF MEETINGS

Board of Trustees
Skagit Valley College
Community College District No. 4

July 11, 1978	Faculty-Staff Lounge, Campus Center Bldg., SVC campus, 2405 College Way, Mount Vernon, Washington	6:15 p.m. Dinner 7:15 p.m. Meeting
Sept. 12, 1978	Faculty-Staff Lounge, Campus Center Bldg., SVC campus, 2405 College Way, Mount Vernon, Washington	6:15 p.m. Dinner 7:15 p.m. Meeting
Oct. 10, 1978	Faculty-Staff Lounge, Campus Center Bldg., SVC campus, 2405 College Way, Mount Vernon, Washington	6:15 p.m. Dinner 7:15 p.m. Meeting

2405 College Way, Mount Vernon, Washington

Nov. 14, 1978 Faculty-Staff Lounge, Campus Center Bldg., SVC campus, 2405 College Way, Mount Vernon, Washington 6:15 p.m. Dinner
7:15 p.m. Meeting

Dec. 12, 1978 Faculty-Staff Lounge, Campus Center Bldg., SVC campus, 2405 College Way, Mount Vernon, Washington 6:15 p.m. Dinner
7:15 p.m. Meeting

WSR 78-07-052
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 78-10—Filed June 28, 1978]

John C. Hewitt
78-07-052
June 28-1978

I, John C. Hewitt, director of the Department of Labor and Industries, do promulgate and adopt at Director's Office, Olympia, Washington, the annexed rules relating to:

- Amd chapter 296-27 WAC, changing record keeping requirements for small businesses employing ten employees or less and to reflect OSHA changes;
- Amd WAC 296-52-010 Introduction, to eliminate references to repealed rules;
- New WAC 296-62-07341, Acrylonitrile, to reflect 29 CFR 1910.1045; and
- New WAC 296-62-07345, 1,2-Dibromo-3-Chloropropane to reflect 29 CFR 1910.1044.

This action is taken pursuant to Notice No. WSR 78-04-079 filed with the code reviser on 4/4/78. Such rules shall take effect at a later date, such date being 7/28/78.

This rule is promulgated pursuant to chapters 42.30 and 43.22 RCW, RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 15, 1978.
By John C. Hewitt
Director

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 78-07-053
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed June 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rule:

concerning Professional preparation—Program development and approval, chapter 180-78 WAC and repealing WAC 180-78-020 Equivalency of Standards;

that such agency will at 9:00 a.m., Thursday, August 24, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, August 25, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

The authority under which these rules are proposed is chapters 28A.70, 28A.93 RCW and RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 24, 1978, and/or orally at 9:00 a.m., Thursday, August 24, 1978, Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

Dated: June 28, 1978

By: Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 5-78, filed 5/26/78)

WAC 180-78-010 DEFINITION OF TERMS. The following definitions shall be used in this chapter:

(1) "Accreditation" shall mean a process whereby a preparation program is reviewed and determined by an accrediting agency to meet prespecified standards. Programs may be accredited by states, regional accrediting associations, or national professional organizations such as the national council for accreditation of teacher education (NCATE) or the national association of state directors of teacher education and certification (NASDTEC). Such accreditation shall not replace state board of education program approval in Washington state.

(2) "Agency" shall mean those groups, entities, associations, and the like recognized in WAC 180-78-030 as having a legitimate interest in the development of preparation programs.

(3) "College or university" shall mean any baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.

(4) "Cooperation" shall mean the act of working together in a participatory mode.

(5) "Endorsement" shall mean a specification placed on a certificate to indicate the subject matter field, grade level and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.

(6) "General professional organization" shall mean the professional organization determined in accordance with election procedures defined in RCW 41.59.070 or a cooperative group of such employee representative organizations.

(7) "Interstate compact" shall mean the contractual agreement among several states authorized by RCW 28A.93.010 and 28A.93.020 which facilitates interstate reciprocity and guarantees graduates of institutions having approved programs in such states regular beginning certification in any state party to the compact.

(8) "Minimum generic standards" shall mean those basic areas of knowledge and skill adopted by the state board of education as essential to a given professional role.

(9) "Program approval" shall mean the approval by the state board of education of a preparation program within Washington state.

(10) "Program development" shall mean the cooperative process employed to identify program outcomes and experiences essential to program approval.

(11) "Program outcomes" shall mean the explicit objectives of preparation programs stated in terms of knowledge, skill, and performance.

(12) "Program unit" shall mean a group of cooperating agencies in Washington state, the specific membership and form of which shall be established by the participating members. Any such unit must include

at least one college/university, one school organization, and one general or specialized professional organization.

(13) "School organization" shall mean any public or nonpublic school system or district or cooperative group of such organizations.

(14) "Site visit" shall mean the process of an on-site review of preparation programs conducted pursuant to WAC 180-78-035 and ((180-78-050)) 180-78-040.

(15) "Specialized associations" shall mean the state-wide professional organization(s) recognized by the state board of education as having legitimate interest in the preparation of a respective professional role.

NEW SECTION

WAC 180-78-060 PREPARATION OF SUPERINTENDENTS. In accordance with RCW 28B.10.140, the only public institutions authorized to provide training for superintendents over and above that required for teachers' or principals' certificates shall be the University of Washington and Washington State University.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-78-020 EQUIVALENCY OF STANDARDS.

WSR 78-07-054

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 78-44—Filed June 28, 1978]

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

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 provides for protection for the Puget Sound chinook and sockeye 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 June 28, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-005FOA CLOSED AREA Effective August 13, 1978 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes

in the waters of any tributaries flowing into the Strait of Juan de Fuca west of Pt. Wilson with any type of gear.

NEW SECTION

WAC 220-28-006B0E CLOSED AREA Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 6B with any type of gear.

NEW SECTION

WAC 220-28-007C0G CLOSED AREA Effective July 1, 1978 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of Treaty Indian Salmon Management and Catch Reporting Area 7C inside and easterly of a line approximately 237° true from the mouth of Oyster Creek to a fishing boundary marker on Samish Island with any type of gear.

NEW SECTION

WAC 220-28-007G0A CLOSED AREA Effective July 1, 1978 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Samish River with any type of gear.

NEW SECTION

WAC 220-28-00800L MINIMUM MESH SIZE Effective July 1 through September 1, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 8 with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-008A0C MINIMUM MESH SIZE Effective July 1 through September 1, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 8A with purse seine gear or with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-008F0D CLOSED AREA—MESH SIZE—SALMON Effective immediately and through those times and in those areas of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, with any type of gear:

(a) Effective immediately, through July 7, 1978 from Hamilton upstream to "Old Faber Ferry Landing", above Concrete.

(b) Effective immediately, through September 16, 1978 from "Old Faber Ferry Landing", above Concrete upstream including all tributaries.

Effective July 1 through September 1, 1978 it shall be unlawful to take, fish for or possess salmon in waters of the Skagit River with gillnet gear having mesh size smaller than 6-1/2 inches.

NEW SECTION

WAC 220-28-00900C CLOSED AREA Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 9 with any type of gear.

NEW SECTION

WAC 220-28-01000C CLOSED AREA Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 10 with any type of gear.

NEW SECTION

WAC 220-28-010E0A CLOSED AREA Effective July 1 through September 16, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of Treaty Indian salmon Management and Catch Reporting Area 10E north and east of a line projected from Point Turner at the most easterly end of the Puget Sound Naval Shipyard to the town of Port Orchard with any type of gear.

NEW SECTION

WAC 220-28-01100A CLOSED AREA Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 11 with any type of gear.

NEW SECTION

WAC 220-28-011A0E CLOSED AREA Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 11A with any type of gear.

NEW SECTION

WAC 220-28-011F0C CLOSED AREA Effective July 1, 1978 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, from the waters of the Puyallup River with any type of gear.

NEW SECTION

WAC 220-28-01200E **CLOSED AREA** Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 12 with any type of gear.

NEW SECTION

WAC 220-28-012A0C **CLOSED AREA** Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 12A with any type of gear.

NEW SECTION

WAC 220-28-012B0A **CLOSED AREA** Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes, in Treaty Indian Salmon Management and Catch Reporting Area 12B with any type of gear.

NEW SECTION

WAC 220-28-012C0A **CLOSED AREA** Effective July 1 through September 9, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 12C with any type of gear.

NEW SECTION

WAC 220-28-012D0E **CLOSED AREAS** Effective July 1, 1978 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 of gear from those waters of treaty Indian Salmon Management and Catch Reporting Area 12D listed below:

(a) Those waters within 1,000 feet of the western shore of Hood Canal between the Hoodsport Marina Dock and Warfield Trailer Park.

(b) those waters 1/4 mile offshore from a line connecting the shore markers located 1/4 mile north and 1/4 mile south of the mouth of Dewatto Bay.

NEW SECTION

WAC 220-28-01300E **CLOSED AREA** Effective July 1 through September 16, 1978 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 13 with any type of gear.

NEW SECTION

WAC 220-28-013A0B **MINIMUM MESH SIZE** Effective July 1 through September 23, 1978 it shall be

unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Treaty Indian Salmon Management and Catch Reporting Area 13A with purse seine gear or with gillnet gear having mesh size smaller than 7-1/2 inches.

NEW SECTION

WAC 220-28-013G0A **CLOSED AREA** Effective July 1, 1978 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Nisqually River, with any type of gear.

Those areas and times not specifically closed by this Order remain closed to all treaty Indian fishing except as permitted by tribal regulations filed with the U. S. District Court and the Departments of Fisheries and Game which comply with the decision and subsequent orders in U. S. v. Washington civil No. 9213. No fishing outside the usual and accustomed grounds and stations is authorized by this Order. This Order is not an opening of any time or areas to treaty Indian fisheries which have not been opened by properly filed tribal regulations.

REPEALER

Effective July 1, 1978 the following sections of the Washington Administrative Code are hereby repealed:

<u>WAC 220-28-006B0D</u>	MINIMUM MESH SIZE
(78-39)	
<u>WAC 220-28-007C0F</u>	CLOSED AREA (78-40)
<u>WAC 220-28-008F0C</u>	CLOSED AREA (78-40)
<u>WAC 220-28-00900B</u>	CLOSED AREA (78-36)
<u>WAC 220-28-01000B</u>	CLOSED AREA (78-36)
<u>WAC 220-28-011A0D</u>	CLOSED AREA (78-40)
<u>WAC 220-28-011F0B</u>	CLOSED AREA (78-40)

WSR 78-07-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed June 28, 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 the amending of WAC 388-29-155 relating to standards for additional requirements under specified circumstances—Child care expenses for employed persons.

It is the intention of the Department to adopt these rules on an emergency basis effective July 1, 1978.

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

Gerald E. Thomas
 Acting Secretary
 Department of Social and Health Services
 Mail Stop OB-44
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Bldg #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 27, 1978
By: Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1303, filed 6/2/78)

WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.

- (1) The expense of child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.
- (2) The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required, not to exceed the following standards.
 - (a) Out-of-home day care
 - (i) The part-time payment standard for day care of less than seven hours per day shall not exceed ~~((92))~~ 97 cents per hour for each child.
 - (ii) The full-time payment standard for day care of seven hours or more per day shall not exceed ~~\$(6-42))~~ 6.74 per day for each child.
 - (A) The full-time payment standard may be adjusted to accommodate unusual work schedules, provided the total amount authorized does not exceed ~~\$(32-10))~~ 33.95 per week of full-time day care for each child.
 - (b) In-home child care
 - (i) The payment standard for in-home care shall not exceed ~~((92))~~ 97 cents per hour for the care of three children or less in the family, or ~~\$(1-19))~~ 1.26 per hour for care of four or more children in the family.
 - (ii) 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.
- (3) No payments shall be allowed for child care provided by the child's parent or stepparent.

WSR 78-07-056

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed June 28, 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:

- | | | |
|-----|----------------|---|
| Amd | WAC 356-18-140 | Leave without pay. |
| Amd | WAC 356-18-220 | Leave—Extension of anniversary date—Periodic increment date—Effective—Exceptions. |
| New | WAC 356-30-015 | Appointments—Prohibition of multiple appointments to single position—Exceptions. |
| Amd | WAC 356-30-070 | Appointments—Acting. |
| Amd | WAC 356-30-143 | Intergovernmental mobility; |

that such agency will at 10:00 a.m., Thursday, August 10, 1978, in the Board Hearing Room, 600 South 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., Thursday, August 10, 1978, in the Board Hearing Room, 600 South 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 August 9, 1978, and/or orally at 10:00 a.m., Thursday, August 10, 1978, Board Hearing Room, 600 South Franklin, Olympia.

Dated: June 28, 1978

By: Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 99, filed 2/24/77)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed by the appointing authority when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.
- (e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the Director.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC ~~((356-38-140))~~ 356-39-120.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-18-220 LEAVE—EXTENSION OF ANNIVERSARY DATE—PERIODIC INCREMENT DATE—EFFECT—EXCEPTIONS. When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, State service in an exempt position, or from government service which had Director of Personnel approval or on leave following injuries sustained while performing the State-position duties(:), the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave

of absence without pay of 15 calendar days or less will not affect the anniversary date. Agency directors may also request the periodic increment date and anniversary date be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC ((356-38-140)) 356-39-120. When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a 12-month school year, the employing agency may place the employee on ((a)) leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

NEW SECTION

WAC 356-30-015 APPOINTMENTS—PROHIBITION OF MULTIPLE APPOINTMENTS TO SINGLE POSITION—EXCEPTIONS. Appointments to positions within the classified service shall be restricted to one person per position. Exceptions will be permitted only for a reasonable training period, tandem or part-time employment where the total FTE's for all persons in the position(s) does not exceed one FTE per position. Also excepted are periods of approved leave of absence as permitted by these rules. Any exceptions not permitted by this section must be approved in advance by the Director of Personnel, or designee.

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 of Personnel and shall not exceed six months; however, in the event of pending major organizational changes affecting the position, the Director of Personnel 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.

(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.)) in the following order:

- (a) Agency promotional register for the class;
- (b) Agency promotional register for a related class (the Director of Personnel in consultation with the agency shall make the determination as to what constitutes a related class);
- (c) Other interested and available employees.

(4) An employee accepting an acting appointment shall be paid according to the 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.

AMENDATORY SECTION (Amending Order 120, filed May 12, 1978)

WAC 356-30-143 INTERGOVERNMENTAL MOBILITY. In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the Director of Personnel or designee may authorize((, with subsequent approval of the Personnel Board.)) appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited.

**WSR 78-07-057
RULES OF COURT
STATE SUPREME COURT
[Order 25700-A-258]**

IN THE MATTER OF THE RESCISSION OF JUVENILE COURT RULES 1.1 THROUGH 7.4 (JuCR 1.1 THROUGH 7.4) PREVIOUSLY ADOPTED BY ORDER DATED DECEMBER 31, 1968, AND THE ADOPTION OF JUVENILE COURT RULES 1.1 THROUGH 11.22 (JuCR 1.1 THROUGH JuCR 11.22) NO. 25700-A-258 ORDER

WHEREAS, the Juvenile Court Act will become effective July 1, 1978; and

WHEREAS, the Juvenile Court Act has substantially revised the statewide juvenile justice system; and

WHEREAS, the Court recognizes the need to promulgate rules of court to proscribe uniform procedures to be followed by the juvenile courts to carry out the purposes of the Act; and

WHEREAS, in October, 1977 a task force was organized by the Washington Judicial Council to draft proposed rules of court governing juvenile court practice; and

WHEREAS, on March 17, 1978, the task force submitted its final proposed Juvenile Court Rules to the Judicial Council; and

WHEREAS, on April 21, 1978, the Judicial Council approved the rules with some modification; and

WHEREAS, on June 1, 1978, the proposed rules as approved by the Judicial Council were submitted to the Supreme Court for approval; and

WHEREAS, the Supreme Court, after considering the proposed rules, determined that the proposed rules set forth in the attachment hereto will aid in the prompt and orderly administration of justice, but that because of the substantive nature of the changes in the procedures their adoption should be on an interim basis, subject to further review,

NOW, THEREFORE, IT IS HEREBY ORDERED:

(a) The Juvenile Court Rules adopted by order dated December 31, 1968, are rescinded;

(b) The Juvenile Court Rules as set forth in the attachment hereto are adopted on an interim bases pending further review;

(c) The rules are to be published expeditiously in the Washington Reports and will become effective July 1, 1978.

DATED at Olympia, Washington, this 28th day of June, 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

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PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

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- 4.2 Pleadings
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TITLE 5

PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT

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TITLE 1

SCOPE AND APPLICATION OF RULES

RULE 1.1

SCOPE OF RULES

These rules relate to procedure in the juvenile court.

RULE 1.2

JURISDICTION OF JUVENILE COURT

The jurisdiction of the juvenile court is defined by RCW 13.04.030.

RULE 1.3

DEFINITIONS

The definitions in RCW 13.04.011, RCW 13.34.030, RCW 9A.76.010 and RCW 13.40.020 shall apply to these rules. For the purposes of these rules:

(a) Guardian. "Guardian" means a person appointed by court order under RCW 11.88, but does not mean a person appointed a guardian ad litem under RCW 11.88.090.

(b) Custodian. "Custodian" or "legal custodian" means a person (other than a parent or a guardian) or an agency to whom legal custody of a child has been given by a court having jurisdiction over the child.

(c) Legal Custody. "Legal custody" means a status created by court order.

RULE 1.4

APPLICABILITY OF OTHER RULES

(a) Civil Rules. The Superior Court Civil Rules shall apply in proceedings other than those involving a juvenile offense when not inconsistent with these rules and applicable statutes.

(b) Criminal Rules. The Superior Court Criminal Rules shall apply in juvenile offense proceedings when not inconsistent with these rules and applicable statutes.

(c) Local Rules. The local rules of a juvenile court shall apply when not inconsistent with these rules and applicable statutes. Local rules for juvenile court proceedings must be adopted in accordance with CR 83.

RULE 1.5

CONTINUATION OF ACTIONS

(a) Dependency and Termination Proceedings.

(1) Actions filed on or after May 1, 1978, alleging dependency or seeking the termination of the parent-child relationship, in which the court has not entered a final order of dependency or termination prior to July 1, 1978, shall, after July 1, 1978, be governed by RCW 13.34 and these rules.

(2) The status of all juveniles found to be dependent prior to July 1, 1978, shall be reviewed as provided in RCW 13.34.130(3).

(3) Any proceeding to modify a disposition order in a case involving a juvenile found, prior to July 1, 1978, to be dependent, shall be governed by RCW 13.34 and these rules.

(4) The court may modify the application of this section to a particular case when, in the opinion of the court, that application would work injustice.

(b) Juvenile Offense Proceedings. Juvenile offense proceedings shall be governed by the law in effect on the date the offense is found to have taken place.

TITLE 2

SHELTER CARE PROCEEDINGS

RULE 2.1

PLACEMENT OF JUVENILE IN SHELTER CARE GENERALLY

(a) Without Court Order. A juvenile may be placed in shelter care without court order if the juvenile has been taken into custody pursuant to RCW 26.44.050.

(b) With Court Order. A juvenile may be placed in shelter care with a court order if:

(1) a dependency petition has been filed pursuant to Rule 3.2 and a motion has been made pursuant to section (c); or

(2) the juvenile has previously been found to be dependent, is the subject of a disposition order still in effect, and a motion has been made pursuant to section (c).

(c) Obtaining Shelter Care Order. A request for an order pursuant to RCW 13.34.050 shall be by motion supported by a sworn statement filed with the court or by testimony given in open court, setting forth the facts which form the basis for the motion.

RULE 2.2

RELEASE OF JUVENILE FROM SHELTER CARE WITHOUT HEARING

(a) If Shelter Care Is Without Court Order. If a juvenile is taken into shelter care without a court order pursuant to RCW 26.44.050, the juvenile shall be released unless a petition alleging dependency is filed within 72 hours (excluding Sundays and holidays) after taking the juvenile into custody.

(b) If Shelter Care Is With Court Order. If a juvenile is taken into shelter care pursuant to a court order, the juvenile shall be released unless an order authorizing continued shelter care is entered within 72 hours (excluding Sundays and holidays) after the juvenile is taken into custody.

RULE 2.3

RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Shelter Care Hearing Defined. The term "shelter care hearing" means any hearing under RCW 13.34.060.

(b) Notice of Right to Shelter Care Hearing. The notice of the right to request a shelter care hearing required by RCW 13.34.060 shall be given to the juvenile, his or her parents, guardian, or custodian within 72 hours of the taking into custody of the juvenile, and in accordance with Rule 11.2.

(c) Shelter Care Hearing Requested. If a shelter care hearing has been requested the court shall hold the hearing within 72 hours (excluding Sundays and holidays) of the request for a shelter care hearing.

(d) Notice of Shelter Care Hearing. The notice required by RCW 13.34.060(2) shall be given in accordance with Rule 11.2. The notice shall inform the

parents, guardian, or custodian of their right to a lawyer as provided in Title 9 of these rules.

RULE 2.4

PROCEDURE AT SHELTER CARE HEARING

(a) Inform Parties of Rights. The court shall inform the parties of their rights as set forth in RCW 13.34.090 and in Titles 2, 3, and 9 of these rules. The court may continue the hearing if the parties have been unable to retain a lawyer or have been unable to have a lawyer appointed for them.

(b) Hearing and Decision. The court shall hold the hearing on the question of shelter care in accordance with RCW 13.34.060(4) and RCW 13.34.090. The court shall make its decision in accordance with RCW 13.34.060(6).

(c) Release of Juvenile on Conditions. The court may release the juvenile on those conditions it deems appropriate. As provided in RCW 13.34.060(7), the conditions may be modified upon notice to the parties given in accordance with Rule 11.2 and after a hearing.

RULE 2.5

AMENDMENT OF SHELTER CARE ORDER

The court may amend a shelter care order as provided in RCW 13.34.060(8) at a hearing held after notice to the parties given in accordance with Rule 11.2. Any party may move to amend a shelter care order.

TITLE 3

DEPENDENCY PROCEEDINGS

RULE 3.1

INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over dependency proceedings by filing a petition.

RULE 3.2

WHO MAY FILE PETITION—VENUE

(a) Who May File. Any person may file a petition alleging dependency.

(b) Venue. The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

RULE 3.3

CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a) Identification of the Juvenile. The name, age, sex, and residence of the juvenile so far as known to the petitioner.

(b) Identification of Parent, Guardian, or Custodian. The name, marital status, and residence of the parent,

guardian, or custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state.

(c) Jurisdictional Statement. A statement of the statutory provisions which give the court jurisdiction over the proceeding.

(d) Statement of Facts. A statement of the facts which give the court jurisdiction over the juvenile and over the subject matter of the proceedings, stated in plain language and with reasonable definiteness and particularity.

(e) Request for Inquiry. A request that the court inquire into the matter and enter an order that the court shall find to be in the best interests of the juvenile and justice.

(f) Other. Any other information required by court rule or statute.

RULE 3.4

NOTICE AND SUMMONS—SCHEDULING OF FACT-FINDING HEARING

(a) Notice and Summons. After the petition has been filed, notice and summons shall be issued and served pursuant to RCW 13.34.070 or published pursuant to RCW 13.34.080.

(b) Advice To Be Contained in Notice. A notice directed to the juvenile or the juvenile's parent, custodian, or guardian shall contain the following advisement:

Right to Lawyer

(1) You have the right to talk to a lawyer if you desire and, if you cannot afford a lawyer, one will be appointed for you.

(2) A lawyer can look at the social and legal files in your case, talk to the caseworker, tell you about the law, help you understand your rights, and help you at trial.

(c) Notice of Possible Termination Proceedings. If the petition alleges dependency pursuant to RCW 13.34.030(2)(a) or (b), or has been amended to include that allegation, the notice shall state that the petition begins a process which, if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.

(d) Scheduling Fact-Finding Hearing. The court shall schedule a fact-finding hearing with reasonable speed, giving preference to those cases where the juvenile is held in shelter care or detention.

RULE 3.5

AMENDMENT OF PETITION

A petition may be amended at any time. The court shall grant additional time if necessary to insure a full and fair hearing on any new allegations in an amended petition.

RULE 3.6

ANSWER TO PETITION

Any party may file a written answer to a petition. An answer is not required unless ordered by the court or required by local rule.

RULE 3.7

FACT-FINDING HEARING

(a) Procedure at Hearing. The court shall hold a fact-finding hearing on the petition in accordance with RCW 13.34.110.

(b) Evidence. The rules of evidence shall apply to the hearing. No social file or social study shall be considered by the court in connection with the fact-finding hearing or prior to factual determination.

(c) Burden of Proof. In a fact-finding hearing on a petition alleging dependency pursuant to RCW 13.34.030(2)(a), (b), or (c), the facts alleged in the petition must be proven by a preponderance of the evidence. In a fact-finding hearing on a petition alleging dependency pursuant to RCW 13.34.030(2)(d), the facts alleged in the petition must be proven beyond a reasonable doubt.

RULE 3.8

DISPOSITION HEARING

(a) Time. If a juvenile has been found to be dependent, the court shall hold a disposition hearing. If the disposition hearing does not immediately follow the fact-finding hearing, notice of the continued hearing shall be given to all parties in accordance with RCW 13.34.110.

(b) Informing Parties of Purpose of Hearing. The court shall inform the parties of the purpose of the hearing. The court shall inform the parties of the new status of the juvenile as a result of the finding of dependency.

(c) Evidence. The court shall consider the social file, social study, and other appropriate pre-disposition studies, in addition to information produced at the fact-finding and disposition hearings. Any party shall have the right to be heard at the disposition hearing. Any social file, social study, or pre-disposition study shall be made available for inspection by a party or his or her lawyer for a reasonable time prior to the disposition hearing.

(d) Submission of Agency Plan. If the agency plan referred to in RCW 13.34.130(2) is not submitted to the court at the time of the disposition hearing, it shall be filed with the court and distributed to all parties within 30 days after the disposition hearing.

(e) Transferring Legal Custody. A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or custodian charged with the juvenile's care. The transfer of legal custody shall give the legal custodian the following rights and duties:

(1) to maintain the physical custody of the juvenile;

(2) to protect, train, and discipline the juvenile;

(3) to provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and

(4) to consent to emergency medical and surgical care and to sign a release of medical information to appropriate authorities, pursuant to law.

The court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.

RULE 3.9

REVIEW HEARING

The status of all juveniles found to be dependent shall be reviewed by the court at least every 6 months, in accordance with RCW 13.34.130(3). The parties shall be given notice of the review hearing in accordance with Rule 11.2. All parties shall have the right to be present at the review hearing and to be heard. Notice of a review hearing concerning a juvenile who has been found dependent under RCW 13.34.030(2)(a) or (b) and who has been removed from the parental home shall include an advisement that a petition to terminate the parent-child relationship may be filed 6 months after the juvenile has been removed from the parental home.

RULE 3.10

MODIFICATION OF ORDER

Any party may move to change, modify, or set aside an order pursuant to RCW 13.34.150. The motion shall be in writing and must state the basis for the motion and the relief requested. No order shall be changed, modified, or set aside except after notice to all parties and a hearing, unless the court waives the hearing on its own motion or upon motion of one of the parties, for good cause shown.

TITLE 4

PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

RULE 4.1

INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.

RULE 4.2

PLEADINGS

(a) Petition. A petition requesting the termination of a parent-child relationship may be filed in the juvenile court. The petition shall conform to the requirements of Rule 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) Amendment of Petition. A petition may be amended as provided in Rule 3.5.

(c) Answer. A party may answer a petition as provided in Rule 3.6.

RULE 4.3

NOTICE OF TERMINATION HEARING

Notice of the termination hearing and a copy of the petition shall be served on all parties in the manner defined by RCW 13.34.070(6) and (7) or published in the manner defined by RCW 13.34.080.

TITLE 5

PROCEEDINGS FOR ALTERNATIVE RESIDENTIAL PLACEMENT

RULE 5.1

INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over a proceeding for alternative residential placement by filing a petition.

RULE 5.2

PLEADINGS—RELEASE OF JUVENILE IN DETENTION

(a) Petition. A petition requesting an alternative residential placement, conforming to the requirements of Rule 3.3, may be filed by a juvenile or a juvenile's parent or custodian pursuant to RCW 74.13.031(4)(f).

(b) Venue. The petition shall be filed in the county where a custodial parent or custodian resides.

(c) Amendment of Petition. A petition may be amended as provided in Rule 3.5.

(d) Answer. A party may answer a petition as provided in Rule 3.6.

(e) Release of Juvenile in Detention. If a juvenile is held in detention pursuant to RCW 74.13.031(4)(g), the juvenile shall be released unless a petition is filed within 48 hours after the initial detention of the juvenile.

RULE 5.3

SCHEDULING OF PLACEMENT HEARING

(a) Time. If the petition has been filed by a juvenile, or a juvenile's parent or guardian, the court shall schedule a hearing upon the question of alternative residential placement with reasonable speed. The hearing shall be held within 14 days after the filing of the petition, unless the time is extended for good cause shown.

(b) Hearing When Juvenile Is Held in Detention. If a petition has been filed pursuant to RCW 74.13.031(4)(g), a hearing on the petition shall be held within 72 hours (excluding Sundays and holidays) of the initial detention of the juvenile or the juvenile shall be released.

RULE 5.4

NOTICE OF PLACEMENT HEARING

The notice required by RCW 13.32.030 shall be given in accordance with Rule 11.2. The notice shall also include the following:

(1) Right to Lawyer. A statement advising the parents or the custodian of their right to be represented by a retained lawyer at the hearing;

(2) Consequences of Petition Approval. A statement advising the parties that if the court approves the petition, the juvenile will have the right to live in the placement approved by the court, subject to the terms of the court order, and that the parents will not be relieved of financial responsibility for the juvenile; and

(3) Alternative Placement. A statement advising the parties that the court may, instead of approving the requested placement, order the juvenile placed in an appropriate nonsecure facility.

RULE 5.5

PLACEMENT HEARING

The hearing to consider the juvenile's placement shall be held in accordance with RCW 13.32.040.

RULE 5.6

REVIEW HEARING

(a) Time. The court shall schedule a review of any alternative residential placement within 6 months of the placement. The notice of the review hearing required to be given by RCW 13.32.050 may be given to the parties at the placement hearing, or they may be notified in accordance with Rule 11.2. The hearing shall be conducted in accordance with RCW 13.32.050.

(b) Additional Review Hearings. If the court approves continuation of alternative placement, it shall hold another review hearing within 6 months of that approval. If the court does not continue alternative placement, it may hold another review hearing within 6 months.

(c) Notice. The parties shall be notified of a subsequent review hearing in accordance with Rule 11.2.

TITLE 6

JUVENILE OFFENSE PROCEEDINGS—DIVERSION AGREEMENTS

RULE 6.1

ELIGIBILITY FOR DIVERSION

A juvenile's eligibility for diversion shall be determined pursuant to RCW 13.40.070 and .080.

RULE 6.2

RIGHT TO CONSULT WITH A LAWYER

(a) Advice of Right to Representation by Lawyer. A juvenile found eligible for diversion shall, prior to the initial interview with the diversion unit, be advised of his

or her right to consult with a lawyer concerning the juvenile's decision to enter into a diversion agreement or to appear in juvenile court.

(b) Appointment of Lawyer. The court shall appoint a lawyer for any juvenile who is financially unable to obtain a lawyer for the consultation if the juvenile does not waive that right pursuant to Rule 6.3.

(c) Retained Lawyer During Diversion Process. A juvenile may be represented by a retained lawyer during the diversion process in accordance with RCW 13.40.080(6).

RULE 6.3

WAIVER OF RIGHT TO LAWYER

A waiver containing the following statements and in substantially the following form shall be read by, signed by, and a copy given to a juvenile who waives the right to consult with a lawyer before an initial interview with a diversion unit:

Waiver of Lawyer

1. I know that I can talk to a lawyer about whether I should enter into a diversion process and will not have to pay for one if I cannot afford it.

2. I know that a lawyer can look at my police reports, tell me about the law, help me understand my rights, and help me decide whether I should enter into a diversion process or go to juvenile court.

Dated _____ Dated _____
Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

Representative of Diversion Unit

RULE 6.4

ADVICE ABOUT DIVERSION PROCESS

A statement in substantially the following form shall be read to, signed by, and a copy given to a juvenile before an initial interview with the diversion unit:

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with a crime. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. A diversion agreement may require you to do certain things, such as community service or make restitution, but you cannot be sent to jail.

3. The diversion agreement will be part of your criminal record.

4. You have the right to talk to a lawyer about whether you should participate in diversion or whether

you should go to court. You will not have to pay for a lawyer if you cannot afford it.

5. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement, but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

6. Even if you talk to the diversion unit, you can decide not to sign the diversion agreement; then your case would go to court if charges are filed by the prosecutor.

Dated _____ Dated _____
Parent or Guardian (optional) Juvenile

The above statement was read to, signed by, and a copy given to the juvenile on the date indicated.

Representative of Diversion Unit

RULE 6.5

ADVICE OF RIGHTS AND EFFECT OF DIVERSION

(a) Advice to Juvenile Entering Into a Diversion Agreement. A statement in substantially the following form shall be read to, signed by, and a copy given to a juvenile who enters into a diversion agreement before the agreement is signed:

Effect of Diversion Agreement

1. I understand that the crime I am charged with will be part of my criminal record.

2. I understand that the diversion agreement will be part of my criminal record.

3. I understand that I might not be able to make a diversion agreement for another crime because I have signed this diversion agreement.

4. I understand that I may be given a longer sentence for another crime because I have signed this diversion agreement.

5. I understand that my criminal record will show how well I follow the diversion agreement.

6. I understand that if I do not follow the diversion agreement, the prosecutor can bring me to trial for the crime I am charged with.

7. I understand that my criminal record will be available to the police, the prosecutor, and the court if I am charged with another crime.

8. I understand that when I am 23 years old I may ask the court to remove this crime and the diversion agreement from my record if I have not been charged with or been convicted of another crime.

9. I understand that I do not have to sign this agreement. If I do not sign, I understand that my case will go to court if charges are filed by the prosecutor.

10. I understand that if my case goes to court, I can talk to a lawyer and will not have to pay for it if I cannot afford it.

11. I have read or someone has read to me everything printed above and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____

Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

Unit Representative of Diversion

(b) Advice to Juvenile Released Without Entering Into a Diversion Agreement. A statement in substantially the following form shall be read to, signed by, and a copy given to a juvenile who is released by a diversion unit pursuant to RCW 13.40.080(9):

Effect of Nondiversion Release

- 1. I understand that the crime I am charged with will be part of my criminal record.
- 2. I understand that I might not be able to make a diversion agreement for another crime because I have agreed not to go to trial.
- 3. I understand that I may be given a longer sentence for another crime because I have agreed not to go to trial.
- 4. I understand that my criminal record will be available to the police, the prosecutor, and the court if I am charged with another crime.
- 5. I understand that when I am 23 years old I may ask the court to remove this crime from my record if I have not been charged with or convicted of another crime.
- 6. I understand that I do not have to sign this statement. If I do not sign, I understand that my case will go to court if charges are filed by the prosecutor.
- 7. I understand that if my case goes to court I can talk to a lawyer and will not have to pay for it if I cannot afford it.
- 8. I have read or someone has read to me everything printed above and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____

Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

Unit Representative of Diversion

RULE 6.6

TERMINATION OF DIVERSION AGREEMENT

(a) Motion. The procedure to seek termination of a diversion agreement is to file a motion in juvenile court alleging that the juvenile has substantially violated the terms of the diversion agreement. The motion shall include a statement of:

- (1) the offense which the juvenile was alleged to have committed;
- (2) the terms of the diversion agreement; and
- (3) the alleged violation of the diversion agreement.

(b) Scheduling and Notice of Hearing. The court shall schedule a hearing on the allegations in the motion with reasonable speed. A copy of the motion and the written notice of the hearing required by RCW 13.40.080(4) shall be given the juvenile in accordance with Rule 11.2. The notice shall also state that an information may be filed on the original offense.

(c) Disclosure of Evidence. All evidence to be offered against the juvenile shall be disclosed to the juvenile a reasonable time prior to the hearing.

(d) Procedure at Hearing. The court shall hold a hearing on the allegations made in the motion. At the hearing the juvenile shall have the opportunity to be heard in person, to present evidence, and to confront and cross-examine all adverse witnesses.

(e) Burden of Proof and Order Terminating Diversion Agreement. The moving party must prove by a preponderance of the evidence that the allegations in the motion are true and that they are a substantial violation of the diversion agreement. If the court finds that the moving party has met this burden of proof, it may order the termination of the diversion agreement. An order terminating a diversion agreement shall include a written statement of the evidence relied upon by the court and the reasons for the termination.

(f) Consolidation of Termination Hearing With Adjudication of Offense. When the diversion unit has referred the case to the prosecuting attorney, and the prosecutor has filed an information, the court may schedule the hearing on the allegations in the motion to terminate the diversion agreement for the same time and place as the adjudicatory hearing on the allegations in the information. In that case, the court shall hold a hearing in accordance with this rule and make a finding with respect to the allegations in the motion before conducting the adjudicatory hearing on the allegations in the information.

TITLE 7

JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

RULE 7.1

INVOKING JUVENILE COURT JURISDICTION

Juvenile court jurisdiction is invoked over a juvenile offense proceeding by filing an information.

RULE 7.2

INFORMATION

- (a) Content. [Reserved. See RCW 13.40.070.]
- (b) Amendment. An information may be amended at any time. The court shall grant additional time if necessary to insure a full and fair hearing on any new allegations in the amended information.

RULE 7.3

DETENTION AND RELEASE WITHOUT HEARING

(a) If No Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody before an information is filed, the juvenile shall be released unless an information is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. A juvenile held in detention after the filing of an information shall be given a hearing to determine whether continued detention is necessary, and in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile committed the offense. The juvenile shall be released unless these determinations are made within 72 hours (excluding Saturdays, Sundays, and holidays) after the information has been filed.

(b) If Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody after an information has been filed and is held in detention, the juvenile shall be given a hearing to determine whether continued detention is necessary and in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile committed the offense. The juvenile shall be released unless these determinations are made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

RULE 7.4

DETENTION HEARING

(a) Procedure at Hearing. The detention hearing shall be held in accordance with RCW 13.40.050(3) and (4). All parties shall have an opportunity to present evidence and to be heard on the issue of continued detention.

(b) Determination by Court Generally. At the hearing the court shall determine whether continued detention is necessary under RCW 13.40.040.

(c) Determination That Detention Necessary. If the court finds that continued detention is necessary, the court shall enter written findings setting forth the specific statutory provision and the facts on which the court based its order for continued detention. The juvenile may nevertheless be released upon posting of a bond and the imposition of conditions upon such release pursuant to RCW 13.40.040(4).

(d) Determination That Detention Not Necessary. If the court at the detention hearing determines that continued detention is not necessary, the juvenile shall be ordered released on personal recognizance. The court may impose conditions on the release pursuant to RCW 13.40.050(6).

RULE 7.5

SUMMONS

(a) Issuance. After an information has been filed, a summons shall issue and be served pursuant to RCW 13.40.100.

(b) Additional Contents of Summons. The summons shall advise the parties of the right to be represented by a retained lawyer and to have a lawyer appointed in certain cases, as provided in Title 9 of these rules and RCW 13.40.140.

RULE 7.6

ARRAIGNMENT AND PLEAS

(a) Arraignment. The arraignment of an alleged juvenile offender is governed by CrR 4.1.

(b) Plea. The taking of a plea of an alleged juvenile offender is governed by CrR 4.2.

RULE 7.7

STATEMENT OF JUVENILE ON PLEA OF GUILTY

A written statement of a juvenile on a plea of guilty shall be filed in substantially the following form.

Guilty Plea Statement

1. My name is _____.
2. My age is _____.
3. I know that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the court will provide me with one at no cost.
4. My lawyer is _____.
5. The court has told me that I am charged with the crime of _____, and I have been given a copy of the charge.
6. The court has told me that:
 - (a) I have the right to hear and question witnesses who might testify against me.
 - (b) I have the right to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
 - (c) I have the right to testify on my own behalf.
 - (d) The crime I am charged with must be proven beyond a reasonable doubt.
 - (e) I have a right to appeal a conviction after a trial.
 - (f) If I plead guilty I give up these rights, and I cannot change my plea.
7. The court has told me that the standard sentence for this crime is at least _____ and no more than _____.
8. I have been told that the prosecuting attorney will take the following action and make the following recommendation to the court: _____.
9. I have been told that the court does not have to follow the prosecuting attorney's recommendation for my sentence.
10. The court has asked me to state in my own words what I did that resulted in my being charged with the crime. This is my statement: _____.
11. I plead guilty to the charge.
12. I make this plea freely. No one has threatened to harm me or anyone else in order to have me plead guilty.

13. No one has made any promises to make me plead guilty, except as written in this statement.

14. I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the court.

Dated _____

Juvenile

The above statement was read by or read to the alleged offender and signed by the juvenile _____ in the presence of his or her attorney, _____, prosecuting attorney, _____, and the undersigned judge in open court.

Dated _____

Judge

RULE 7.8

TIME FOR ADJUDICATORY HEARING

(a) Responsibility of Court. It shall be the responsibility of the court to insure to each person charged with a juvenile offense an adjudicatory hearing in accordance with the provisions of this rule.

(b) Time Limits. The adjudicatory hearing on a juvenile offense shall begin within 60 days following the juvenile's arraignment in juvenile court on the charges contained in the information. If the alleged juvenile offender is held in detention pending the adjudicatory hearing, the hearing shall begin within 30 days following the juvenile's arraignment in juvenile court on the charges contained in the information.

(c) Excluded Periods. The following periods shall be excluded in computing the time for the adjudicatory hearing:

(1) All proceedings related to the competency of the alleged juvenile offender to participate in the hearing.

(2) Preliminary proceedings and an adjudicatory hearing on another charge.

(3) Delay granted by the court pursuant to section (d).

(4) The time between the dismissal and the refile of the same charge.

(d) Continuances. Continuances or other delays may be granted as follows:

(1) On motion of the alleged juvenile offender on a showing of good cause.

(2) On motion of the prosecuting attorney if:

(i) the alleged juvenile offender consents to a continuance or delay and good cause is shown; or

(ii) the state's evidence is presently unavailable, the prosecution has exercised due diligence, and there are reasonable grounds to believe that it will be available within a reasonable time; or

(iii) required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

(3) The court on its own motion may continue the case when required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

(e) Absence of Alleged Juvenile Offender. In the event the alleged juvenile offender is absent from the court and thereby unavailable for the adjudicatory hearing or for any preliminary proceeding at which his or her presence is required, the time period specified in section (b) shall start to accrue anew when the alleged juvenile offender is actually present in the county where the charge is pending, and his presence appears upon the record of the court.

(f) Dismissal With Prejudice. If the adjudicatory hearing on a juvenile offense is not held within the time limits in this rule, the information shall be dismissed with prejudice.

RULE 7.9

JOINDER OF OFFENSES AND CONSOLIDATION OF ADJUDICATORY HEARINGS

(a) Joinder of Offenses. The joinder of offenses in an information is governed by CrR 4.3(a) and (c), where applicable.

(b) Consolidation of Adjudicatory Hearing. On motion of the prosecutor or the alleged juvenile offender, or on its own motion, the court may, for purposes of conducting the adjudicatory hearing, order that two or more informations naming different juveniles be consolidated and heard at the same time when two or more defendants could be joined in the same charge pursuant to CrR 4.3(b).

RULE 7.10

SEVERANCE OF OFFENSES AND CONSOLIDATED HEARINGS

The severance of offenses and severance of consolidated hearings is governed by CrR 4.4, where applicable.

RULE 7.11

ADJUDICATORY HEARING

(a) Burden of Proof. The court shall hold an adjudicatory hearing on the allegations in the information. The prosecution must prove the allegations in the information beyond a reasonable doubt.

(b) Evidence. The rules of evidence shall apply to the hearing, except to the extent modified by RCW 13.40.140(7) and (8). All parties to the hearing shall have the rights enumerated in RCW 13.40.140(7).

(c) Decision on the Record. The juvenile shall be found guilty or not guilty. The court shall record its findings of fact and enter its decision on the record. The findings shall include the evidence relied upon by the court in reaching its decision.

RULE 7.12

DISPOSITION HEARING

(a) Time. A disposition hearing shall be held if the juvenile has pleaded guilty or has been found guilty by the court. The hearing may be held immediately following the juvenile's plea of guilty or immediately following

the adjudicatory hearing if found guilty by the court. The disposition hearing may be continued for a period of up to 14 days after the plea or the conclusion of the hearing, unless good cause is shown for a further continuance. Notice of a continued hearing shall be given to all parties in accordance with Rule 11.2.

(b) Conduct of Hearing. The court shall conduct the hearing in accordance with RCW 13.40.150.

(c) Criminal History. In determining the standard range of disposition for a juvenile, the following shall constitute the juvenile's criminal history pursuant to RCW 13.40.020(6):

(1) A finding made by a juvenile court prior to July 1, 1978, that the juvenile committed an offense, if the allegation was required to be proven beyond a reasonable doubt or if the juvenile admitted the allegation.

(2) A conviction by a juvenile court or a plea of guilty made on or after July 1, 1978.

(3) A record of a diversion agreement entered into in accordance with the provisions of RCW 13.40.080.

(d) Disposition Outside Standard Range. If the court imposes a sentence outside the standard range for the offense, the disposition order shall set forth those portions of the record material to the disposition.

RULE 7.13

RELEASE PENDING APPELLATE REVIEW

If the only error asserted on appellate review is the appropriateness of the disposition, release of the juvenile pending review is governed by RCW 13.40.230(5). If additional or different errors are asserted, the juvenile court shall release the juvenile pending review if the court determines, at a hearing, that detention is not necessary to prevent the juvenile from fleeing the jurisdiction or harming the juvenile or the person or property of others. The court may impose conditions on the release as in RCW 13.40.040(4) and RCW 13.40.050(6).

TITLE 8

DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER

RULE 8.1

TIME FOR DECLINE HEARING

(a) Initiating Decline Hearing. If required or requested pursuant to RCW 13.40.110, a decline hearing shall be scheduled and held separate from and prior to the adjudicatory hearing.

(b) Time for Hearing in Felony Cases. In any case where declining jurisdiction would allow criminal prosecution for a felony, the decline hearing shall be held within 14 days after the information is filed unless the time is extended by the court for good cause.

(c) Notice. Notice of the decline hearing and its purpose shall be given in accordance with Rule 11.2.

RULE 8.2

PROCEDURE AT DECLINE HEARING

The decline hearing shall be conducted in accordance with RCW 13.40.110(2). Any report or study to be presented to the court must be made available to the opposing party for a reasonable period prior to the hearing or reasonable time must be accorded the opposing party to respond.

TITLE 9

RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS

RULE 9.1

MANDATORY APPOINTMENT OF LAWYER

The court shall appoint a lawyer for a juvenile when required by RCW 74.13.031, RCW 13.32.030 and .050.

RULE 9.2

ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(a) Retained Lawyer. Any party may be represented by a retained lawyer in any proceedings before the juvenile court.

(b) Dependency and Termination Proceedings. The court shall provide a lawyer at public expense in a dependency or termination proceeding as follows:

(1) Upon request of a party or on the court's own initiative, the court shall appoint a lawyer for a juvenile who is financially unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment. A juvenile shall not be deprived of a lawyer because a parent, guardian, or custodian, refuses to pay for a lawyer for the juvenile.

(2) Upon request of the parent or parents, the court shall appoint a lawyer for a parent who is unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment.

(c) Juvenile Offense Proceedings. The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by RCW 13.40.080(6), RCW 13.40.140(2), or Rule 6.2.

RULE 9.3

RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE PROCEEDINGS

(a) Appointment. A juvenile who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense may request that these services be provided at public expense by a motion. Upon finding that the services are necessary and that the juvenile is financially unable to obtain them without substantial hardship to himself or herself or the juvenile's

family, the court shall authorize counsel to obtain the services on the behalf of the juvenile. The ability to pay part of the cost of the services shall not preclude the provision of those services by the court. A juvenile shall not be deprived of necessary services because a parent, guardian, or custodian refuses to pay for those services. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, may ratify services after they have been obtained.

(b) Compensation. The court shall determine reasonable compensation for the services and direct payment to the organization or person who rendered them on the filing of a claim for compensation supported by affidavits specifying the time expended and the services, and expenses incurred on behalf of the juvenile, and the compensation received in the same case or for the same services from the juvenile or any other source.

TITLE 10

JUVENILE COURT RECORDS

RULE 10.1

SCOPE OF TITLE 10

Rule 10.2 relates to recording of juvenile court proceedings. All rules after Rule 10.2 cover records as defined in RCW 13.04.270.

RULE 10.2

RECORDING JUVENILE COURT PROCEEDINGS

(a) Proceedings Other Than Juvenile Offense Proceedings. All juvenile court proceedings which do not involve a juvenile offense shall be recorded by any means which accurately records the proceedings in accordance with RCW 2.32.200.

(b) Juvenile Offense Proceedings. All juvenile court proceedings involving a juvenile offense shall be recorded verbatim by means which will provide an accurate record and which can be subsequently reduced to written form.

RULE 10.3

ACCESS OF PARENT TO RECORDS

As used in RCW 13.04.274, the terms "subject of any juvenile justice or care record" and "subject of a dependency petition" shall, for purposes of making a motion pursuant to Rule 10.4, include a parent of a juvenile if the records involved relate to proceedings prior to termination of the parent-child relationship.

RULE 10.4

MOTIONS CONCERNING JUVENILE RECORDS

Questions raised pursuant to RCW 13.04.272 and .274 shall be determined by motion filed in the juvenile court. The court shall schedule a hearing on the motion, giving notice to the parties including appropriate juvenile justice and care agencies, in accordance with Rule

11.2. After a hearing the court shall determine whether the moving party has established that the party is entitled to the relief requested and enter an appropriate order.

RULE 10.5

ACCESS TO OFFICIAL JUVENILE COURT FILES

[Reserved. See RCW 13.04.270 and .272.]

RULE 10.6

CHALLENGING JUVENILE COURT RECORDS

[Reserved. See RCW 13.04.274(1).]

RULE 10.7

SEALING JUVENILE COURT RECORDS

[Reserved. See RCW 13.04.274(2) and (3).]

RULE 10.8

DESTRUCTION OF JUVENILE COURT RECORDS

[Reserved. See RCW 13.04.274(6)]

RULE 10.9

ONLY COMPLETE INFORMATION RELEASED

[Reserved. See RCW 13.04.272(2)(c).]

TITLE 11

SUPPLEMENTAL PROVISIONS

RULE 11.1

COMPUTING TIME

Time shall be computed in accordance with CR 6 unless otherwise provided by law or these rules.

RULE 11.2

NOTICE OF PROCEEDING

(a) Applicability. This rule shall apply when notice is required to be given by Rules 2.3(b) and (d), 2.4(c), 2.5, 3.9, 5.4, 5.6(a) and (c), 6.6(b), 7.12(a), 8.1(c), and 10.4. Notice given pursuant to those rules shall conform to the requirements of this rule.

(b) Content of the Notice. The notice shall specify the time, place, and purpose of the proceeding.

(c) Method of Giving Notice. Notice may be given by any means reasonably certain of notifying the party, including, but not limited to, mail, personal service, telephone, and telegraph.

RULE 11.3 through 11.20

[RESERVED]

RULE 11.21

TITLE AND CITATION OF RULES

These rules are called the Juvenile Court Rules and may be cited as JuCR.

RULE 11.22

RULES SUPERSEDED

Except as provided in Rule 1.5, the Juvenile Court Rules originally effective January 10, 1969, are superseded by these rules.

WSR 78-07-058

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed June 29, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning chapter 180-79 WAC, Professional preparation—Certification requirements and repealing WAC 180-79-015, 180-79-020, 180-79-025, 180-79-030, 180-79-040, 180-79-050, 180-79-055, 180-79-070, 180-79-085, 180-79-090, 180-79-095, 180-79-105, 180-79-110, 180-79-235 and 180-79-240;

that such agency will at 9:00 a.m., Thursday, August 24, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, August 25, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

The authority under which these rules are proposed is chapters 28A.70 and 28A.93 RCW and RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 24, 1978, and/or orally at 9:00 a.m., Thursday, August 24, 1978, Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

Dated: June 29, 1978

By: Wm. Ray Broadhead
SecretaryAMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)WAC 180-79-065 CERTIFICATE LAPSE, RENEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on verification by an approved program that work has begun toward continuing level certification: PROVIDED, That no more than ten years has elapsed since the completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated once for a three-year period if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program and verification of minimum generic standards for initial certification. Course work taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement.

(2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting ((for more than)) during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state board of education approved preparation program and demonstrate minimum generic standards required for continuing certification. Course work taken more than three calendar years prior to the date of application for reinstatement shall not satisfy this requirement.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-100 PERSONNEL ASSIGNMENT. (1) Teachers. Local districts shall assign secondary teachers holding initial level certificates to recommended assignment areas and levels only. Teachers holding initial level elementary endorsement shall be assigned to elementary grades only. Teachers holding continuing level certificates should be assigned to recommended areas and levels or to areas and levels in which they have demonstrated competency during professional service: PROVIDED, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize initially certificated teachers to serve at different grade levels or in different subject matter fields from those recommended.

(2) Educational staff associates. Assignments to serve in educational staff associate roles shall be limited to persons holding valid educational staff associate certificates with appropriate endorsements.

(3) Administrators. Assignment of persons to serve as principals or vice principals shall be limited to persons holding valid administrator certificates with the appropriate endorsement(s).

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-115 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79-105 and 180-79-110.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree. Candidates for secondary certificates shall have completed the degree major in an academic field; candidates for elementary certificates shall have completed the degree major in an academic field or teaching specialization. If the degree major is elementary education, the candidate must have at least one area of emphasis in an academic field.

(b) Candidates shall give evidence that they have completed in-school, clinical, and laboratory experiences which include observations and at least eight weeks of practice teaching under supervision in a state board of education approved or accredited public or nonpublic K-12 classroom(s).

(2) Continuing.

(a) Candidates shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which thirty quarter hours (twenty semester hours) must be taken after the first year of teaching.

(b) Candidates shall have completed at least three years of service as a teacher in a classroom teaching role in an educational setting, at least two years of which shall be in grades K-12.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-79-110: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality.

(1) Communication disorders specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) Counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) Occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist registered with the American occupational therapy association.

(ii) The candidate shall have completed field experience in an educational setting which includes observation as well as practice under supervision.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

(4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a probational certificate to practice as a physical therapist.

(ii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty

quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree.

(ii) The candidate shall have completed at least one thousand two hundred hours of field experience in an educational setting, K-12, under the supervision of a certificated master of social work.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------------|---|
| (1) WAC 180-79-015 | APPEAL—GENERAL. |
| (2) WAC 180-79-020 | APPEAL PROCEDURE— |
| | INFORMAL. |
| (3) WAC 180-79-025 | APPEAL PROCEDURES—FORMAL |
| | PROCESS. |
| (4) WAC 180-79-030 | CERTIFICATE VALIDITY. |
| (5) WAC 180-79-040 | EQUIVALENCY OF STANDARDS. |
| (6) WAC 180-79-050 | CERTIFICATE REQUIRED. |
| (7) WAC 180-79-055 | TYPES OF CERTIFICATES. |
| (8) WAC 180-79-070 | EDUCATIONAL EXPERIENCE AC- |
| | CEPTABLE FOR CERTIFICATION. |
| (9) WAC 180-79-085 | REPLACEMENT OF CERTIFICATES. |
| (10) WAC 180-79-090 | FEE FOR CERTIFICATION. |
| (11) WAC 180-79-095 | USE OF FEE FOR CERTIFICATION. |
| (12) WAC 180-79-105 | CITIZENSHIP REQUIREMENTS— |
| | ALIEN PERMITS—TEACHERS ONLY. |
| (13) WAC 180-79-110 | GENERAL REQUIREMENTS— |
| | TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF |
| | ASSOCIATES. |
| (14) WAC 180-79-235 | PERMITS. |
| (15) WAC 180-79-240 | CERTIFICATION OF OUT-OF- |
| | STATE TRAINED TEACHERS—INTERSTATE EDUCA- |
| | TIONAL PERSONNEL CONTRACTS. |

WSR 78-07-059

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed June 29, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning standards for vocational certification, new chapter 180-77 WAC;

that such agency will at 9:00 a.m., Thursday, August 24, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, August 25, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 24, 1978, and/or orally at 9:00 a.m., Thursday, August 24, 1978, Learning Resources

Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

Dated: June 29, 1978
By: Wm. Ray Broadhead
Secretary

Chapter 180-77 WAC
STANDARDS FOR VOCATIONAL CERTIFICATION

WAC	
180-77-003	Definitions.
180-77-005	Types of vocational certificates.
180-77-010	Levels of vocational certificates.
180-77-015	Certificate validity and renewal.
180-77-020	Certificate required.
180-77-025	Personnel assignment.
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180-77-090	General standards for certification of vocational instructors, counselors, occupational information specialists, teacher trainers and administrative and supervisory personnel with a probationary certificate.
180-77-095	General requirements for certification of vocational instructors of supplementary classes.

NEW SECTION

WAC 180-77-003 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education which complies with chapter 180-78 WAC.

(2) "Approved vocational teacher training" shall mean those vocational programs, courses, seminars and workshops approved by the state board of education for the purpose of vocational certification of persons entering vocational education from business and industry, or for renewal of vocational certificates.

(3) "First aid requirements" shall include a valid first aid certificate issued by the Washington state department of labor and industries, United States bureau of mines or the American Red Cross in accord with their rules and regulations. In addition, training in cardiopulmonary resuscitation is required.

(4) "Gainful employment" shall mean being paid in accordance with the laws of the state of Washington for work in a particular occupation.

(5) "General safety and industrial hygiene requirements" shall mean course work approved by the state board of education that is designed to provide skill and knowledge common to all vocational instructors in safety and industrial hygiene. This course work shall include, but not be limited to, the following:

- (a) Growth of the safety movement;
- (b) Cost of accidents;

- (c) Seeing and recognizing job hazards;
- (d) Elements of an accident;
- (e) Measuring safety performance;
- (f) Promoting safe workmanship;
- (g) Employee health and industrial hygiene;
- (h) Protective equipment and safe dress;
- (i) Housekeeping;
- (j) Materials, handling and storage;
- (k) Guarding machines and mechanisms;
- (l) Hand and portable tools and appliances;
- (m) Fire prevention and control.

(6) "Home economics related occupations (gainful)" is a vocational education program which prepares persons for being paid in accordance with the laws of the state of Washington to work in an occupation.

(7) "Home and family life education (useful)" is a vocational education program which prepares persons for the occupation of homemaking.

(8) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

(9) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

(10) "Specially supported programs" shall mean home and family life education programs conducted in vocational-technical institutes to include, but not limited to, the following: Family relationships, child development and parent education.

(11) "Occupational experience" shall mean work experience in the job to be taught.

(12) "One year of work experience" shall equal two thousand hours of employment.

(13) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

(14) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.

(15) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credits, ten clock hours or one hundred hours of work experience.

(16) "Specific safety and industrial hygiene requirements" shall mean completion of course work approved by the state board of education that is designed to provide the vocational instructor with the specific skill and knowledge of safety and industrial hygiene for the occupation he or she is to teach.

(17) "Supervised work experience" shall mean employment which is supervised by a vocational teacher educator and the employer.

(18) "Supplementary class" shall mean those classes designed to upgrade and advance the knowledge and skills for persons who are or have been employed in a given occupation.

(19) "Teaching/coordination" shall mean professional experience in the discipline and/or specialty for which the applicant has been vocationally certificated.

(20) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops that are designed to improve the skills and/or knowledges in the discipline in which the application is being made.

(21) "Useful employment" applies solely to the occupation of homemaking and means unpaid work in the home.

NEW SECTION

WAC 180-77-005 TYPES OF VOCATIONAL CERTIFICATES. Seven types of certificates shall be issued:

(1) Teacher. The teacher certificate authorizes teaching in the classroom and laboratory (shop);

(2) Director. The director certificate authorizes service as a vocational director in the school district;

(3) Assistant director. The assistant director certificate authorizes service as an assistant vocational director in the school district;

(4) Supervisor. The supervisor certificate authorizes service as a program supervisor in a local school district;

(5) Counselor. The vocational counselor authorizes service in the role of vocational guidance and counseling;

(6) Occupational information specialist. The occupational information specialist authorizes service in the role as an information specialist;

(7) Teacher trainer. The teacher trainer authorizes service as an instructor teaching course work that is used for vocational teacher training.

NEW SECTION

WAC 180-77-010 LEVELS OF VOCATIONAL CERTIFICATES. Four levels of certificates may be issued:

(1) One-year probationary. The one-year probationary certificate is authorized for those who do not meet education or occupational requirements, but have submitted a training plan that is approved by the state board of education;

(2) One-year. The one-year certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(3) Three-year. The three-year certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(4) Five-year. The five-year certificate allows the holder to assume independent responsibility for working with students in vocational programs.

NEW SECTION

WAC 180-77-015 CERTIFICATE VALIDITY AND RENEWAL. (1) The probationary certificate is valid for one year and is renewable one time.

(2) The one-year certificate is valid for one year and may be renewed two times in accordance with WAC 180-77-050.

(3) The three-year certificate is valid for three years and may be renewed one time in accordance with WAC 180-77-050.

(4) The five-year certificate is valid for five years and may be renewed every five years in accordance with WAC 180-77-050.

NEW SECTION

WAC 180-77-020 CERTIFICATE REQUIRED. Persons serving as vocational instructors, vocational directors and assistant directors, vocational supervisors, vocational counselors, occupational information specialists and vocational teacher trainers shall hold certificates authorized by the state board of education for service in the respective roles and be recommended by the local school district vocational education administrator for original certificates and renewal. Instructors must be endorsed by a local vocational advisory committee related to the subject matter to be taught for renewal and preceding certificates.

NEW SECTION

WAC 180-77-025 PERSONNEL ASSIGNMENT. Vocational teachers teaching other secondary school subjects and vocational counselors serving in addition as general counselors need to hold a valid certificate as provided for in chapter 180-79 WAC, professional preparation certification requirements.

NEW SECTION

WAC 180-77-030 GENERAL REQUIREMENTS FOR VOCATIONAL CERTIFICATION OF INSTRUCTORS WITH BACHELOR'S DEGREES. Instructors in agriculture, business and office, community resource training program coordinators (CRT), distributive education, diversified occupations, home and family life (useful), home economics related occupations (gainful), home economics subject matter specialist (useful), home economics subject matter specialist (gainful), and industrial co-op education (ICE) must meet the following requirements:

(1) The requirements for a one-year certificate, except home economics subject matter specialist (useful and gainful) are as follows:

(a) Bachelor's degree related to the field to be taught as determined by the state program director of the state board of education from an approved program for training vocational education teachers; except instructors of diversified occupations, CRT and ICE need only a bachelor's degree from an institution of higher education;

(b) The following course requirements must be completed:

(i) Methods of teaching in the subject matter to be taught except CRT;

(ii) Student teaching in the subject matter to be taught; except CRT and ICE which do not require student teaching and diversified occupations which only requires student teaching in any subject matter;

(iii) Course study in the objectives, principles and philosophies of vocational education; except business and office; and

(iv) Instructors assigned to vocational programs that involve cooperative education methods must complete three quarter credits or the equivalent in instructor-coordinator techniques for cooperative education or have equivalent experience as evaluated by the state program director of the appropriate field before employment.

(c) Meet the general and specific safety and industrial hygiene and first aid requirements;

(d) Instructors must meet the following work experience requirements:

Two years of occupational experience in the field to be taught, one of which must have been in gainful employment within the last six years; except:

(i) Instructors in business and office must possess one year of gainful employment within the last six years in occupations included in the business and office subject matter;

(ii) Instructors in home and family life (useful) require no work experience; and

(iii) Instructors of home economics related occupations (gainful) require a minimum of one year of occupational experience in a home economics related occupation in the last five years as a paid worker or as a volunteer worker in a supervised work project.

(e) Instructors of home economics subject matter specialist (useful) for nongraded or alternative or specially supported programs require the following:

(i) A bachelor's degree in the area or related area for which training is to be given;

(ii) Training in the specialty area to be taught and have knowledge and methods of communication to students or clients within the discipline; and

(iii) Meet the general and specific safety and industrial hygiene and first aid requirements.

(f) Instructors of home economics subject matter specialist (gainful) must possess the following:

(i) Bachelor's degree in the area for which the training is to be given which will include the following:

(A) One year of occupational experience in this area in the last five years as a paid worker or as a volunteer worker or in a supervised work project;

(B) Completed course work in methods of teaching and curriculum building which are for training for employment either before initial employment or prior to application for first renewal.

(ii) Instructors assigned to vocational programs which involve cooperative education methods must complete three quarter credits or the equivalent of instructor-coordinator techniques for cooperative education or have equivalent experience as evaluated by the state program director of the appropriate field before employment; and

(iii) Home economics subject matter specialist (gainful) instructors must meet the general and specific safety and industrial hygiene and first aid requirements.

(2) The requirements for a three-year certificate are as follows:

(a) All instructors must have possessed a one-year vocational certificate within the past two years;

(b) Instructors are required to have one year of teaching/coordination in the subject matter certified to teach; except home and family life (useful), home economics related occupations (gainful), and home economics subject matter specialist (useful and gainful) which require only teaching experience during the life of the certificate;

(c) Three quarter credits or the equivalent of prior approved vocational teacher training in the subject matter certified to teach/coordinate since the previous certificate is required of all instructors; except instructors of home and family life (useful) and home economics related occupations (gainful) do not require additional course work prior to the three-year certificate;

(d) Instructors must possess a valid first aid certificate.

(3) The requirements for a five-year certificate are as follows:

(a) Instructors must possess two years of teaching/coordination in the subject matter certified to teach during the previous three-year vocational certificate; except:

(i) Home and family life (useful) and home economics related occupations (gainful) which require:

(A) Possession of a one-year or a three-year vocational certificate within the preceding two years; and

(B) One year of teaching home and family life education during the life of the previous vocational certificate.

(ii) Home economics subject matter specialist (useful and gainful) require:

(A) Possession of a three-year vocational certificate within the preceding two years; and

(B) Teaching experience in the home economics specialty area or in a home economics related occupation.

(b) Instructors must possess six quarter credits or the equivalent of approved vocational teacher training in the subject matter certified to teach/coordinate since the previous certificate;

(c) Instructors must possess a valid first aid certificate.

NEW SECTION

WAC 180-77-035 SPECIFIC REQUIREMENTS FOR VOCATIONAL CERTIFICATION OF INSTRUCTORS WITH BACHELOR'S DEGREES. Specific requirements are as follows:

(1) Those areas having specific requirements in addition to the general certification requirements for the one-year certificate are as follows:

(a) CRT teachers must attend a state board of education approved CRT management and supervision workshop;

(b) Diversified occupations and ICE teacher/coordinators are required to have a course in occupational analysis;

(c) Home and family life (useful) and home economics related occupations (gainful) instructors are required to have:

(i) Course work in program planning and evaluation;

(ii) Meet certification requirements in the state of Washington for general and professional education in the occupation of homemaking;

(iii) Completed directed student teaching in an approved program for training vocational teachers of home economics education supervised by a vocationally qualified home economics teacher educator;

(iv) Sixty quarter credits or the equivalent of home economics courses, including laboratory experiences and the principles of safety in all areas of the home economics curriculum with credit hours divided as follows:

(A) Family economics, including consumer education, home management with practical experience with differing socio-economics groups - eight quarter credits;

(B) Housing, home furnishing and equipment - eight quarter credits;

(C) Foods and nutrition - eight quarter credits;

(D) Clothing and textiles - eight quarter credits;

(E) Family relationships, parent education and child development, including experiences with young children - twelve quarter credits;

(F) Home economics electives - sixteen quarter credits to allow for concentration as needed by the individual teacher candidate.

(v) The candidate from a nonapproved, four-year home economics program must have an evaluation made by an institution that has an approved program in accord with chapter 180-78 WAC which includes evaluation of the candidate's teaching performance. Course work in home economics methods, including the vocational aspects of a home and family life program from an approved program for training vocational teachers needs to be completed; and the candidate must have a plan for completion of requirements and be recommended by an institution approved in accord with chapter 180-78 WAC.

(d) Agriculture education instructors are required to have forty-five semester hours of credit in agriculture including, but not limited to university requirements in agriculture economics, agriculture mechanics, animal science, agronomy, soils, entomology, horticulture, plant pathology and forestry;

(e) Business and office instructors are required to have thirty-five quarter credits of courses which have content included in the program sequences of clerical, secretarial and/or accounting;

(f) Distributive education instructors are required to have thirty-five quarter credits or the equivalent of distributive education subjects to include salesmanship, retailing, sales promotion and marketing.

(2) The specific requirement for the three-year certificate for business and office is course study in the objectives, principles and philosophy of vocational education.

NEW SECTION

WAC 180-77-040 GENERAL REQUIREMENTS FOR VOCATIONAL CERTIFICATION OF INSTRUCTORS FROM BUSINESS AND INDUSTRY. Instructors in agriculture, business and office, community resource training program coordinator (CRT), distributive education—cooperative preparatory and preparatory specialist, diversified occupations, home economics related occupations

(gainful), industrial co-op education (ICE) and trade and industrial, technical and health occupations must meet the following requirements:

(1) The requirements for the one-year certificate are as follows:

(a) Instructors must complete three years of gainful employment in the occupation beyond the learning period, two of which must have been within the past six years or for apprenticeable occupations, the minimum work experience will be equal to the learning period then currently registered with the state department of labor and industries, two years of which must have occurred during the last six years; except distributive education—cooperative preparatory and ICE which require one year in a supervisory or management position in a private business or industry within the six years prior to certification;

(b) Three quarter credits or the equivalent in the methods/elements of teaching the subject area to be taught prior to teaching;

(c) Instructors assigned to vocational programs which involve cooperative education methods must complete three quarter credits or the equivalent in instructor-coordinator techniques for cooperative on-the-job instruction, or have equivalent experience as evaluated by the state program director of the program area before employment;

(d) Instructors are required to meet the general and specific safety and industrial hygiene and first aid requirements.

(2) The requirements for the three-year certificate are as follows:

(a) Instructors must have possessed a valid one-year vocational education certificate within the preceding two years;

(b) Vocational teaching experience of one hundred twenty hours under the previous one-year certificate is required;

(c) Instructors are required to have a total of nine quarter credits or the equivalent of approved vocational teacher training which must include elements/methods of teaching, occupational analysis and course organization/curriculum development for the program area; except distributive education—preparatory specialist which requires methods of teaching and principles and objectives of vocational education, and ICE which does not require teacher training;

(d) Instructors must complete three quarter credits or the equivalent of approved vocational teacher training since the last certificate; except distributive education—cooperative preparatory which requires three quarter credits or the equivalent of approved vocational teacher training, which must include a course in methods of teaching or an equivalent course in teaching techniques since the initial one-year certificate;

(e) Instructors must possess a valid first aid certificate.

(3) The requirements for the five-year certificate are as follows:

(a) Instructors must possess a valid three-year vocational certificate within the preceding two years;

(b) Vocational teaching experience of not less than two years is required during the life of the previous certificate;

(c) Instructors must complete a total of eighteen quarter credits or the equivalent of approved vocational teacher training which must include courses in:

(i) Methods/elements of teaching in the program area to be taught;

(ii) Occupational analysis in the program area;

(iii) Course organization/curriculum development in the program area;

(iv) Student leadership development techniques in the program area to be taught;

(v) Philosophy of vocational education;

(vi) State board of education prior approved three hundred clock hours of work experience or thirty clock hours of special technical upgrading workshops; except distributive education—cooperative preparatory and ICE which require ninety clock hours of state board of education approved in-service teacher preparation since the three-year certificate;

(d) Instructors must complete three quarter credits or the equivalent of approved vocational teacher training since the previous certificate; except distributive education—cooperative preparatory which requires six quarter credits or the equivalent of state board of education approved distributive education subjects beyond the three-year certificate requirements;

(e) Instructors must possess a valid first aid certificate.

NEW SECTION

WAC 180-77-045 SPECIFIC REQUIREMENTS FOR VOCATIONAL CERTIFICATION OF INSTRUCTORS FROM BUSINESS AND INDUSTRY. Those areas having specific requirements in addition to the general vocational requirements for a one-year certificate are as follows:

(1) Instructors of distributive education—cooperative and preparatory are required to have a course in the objectives, principles and/or philosophy of vocational education and twelve quarter credits or the equivalent of distributive education subjects or equivalent experience as evaluated by the state program director of distributive education;

(2) ICE instructors are required to have a course in the objectives, principles and/or philosophy of vocational education, a course in occupational analysis and a course in leadership development.

NEW SECTION

WAC 180-77-050 RENEWAL OF VOCATIONAL CERTIFICATION FOR INSTRUCTORS. Instructors in agriculture, business and office, community resource training program coordinators (CRT), distributive education, distributive education—cooperative preparatory and preparatory specialist, diversified occupations, home and family life (useful), home economics related occupations (gainful), home economics subject matter specialist (useful), home economics subject matter specialist (gainful), home economics related occupations, industrial co-op education (ICE), and trade and industrial, technical and health occupations must meet the following requirements for certification renewal:

(1) Instructors with a bachelor's degree must meet the following general requirements for certification renewal:

(a) The one-year certificate may be renewed two times;

(b) The three-year certificate may be renewed one time provided the instructor has:

(i) One year of teaching experience in the field certified to teach during the life of the previous certificate; except:

(A) Home and family life (useful), and home economics related occupations (gainful) which do not require teaching experience;

(B) Home economics subject matter specialist (useful and gainful) require vocational teaching experience during the life of the previous certificate in the home economics specialty area or the home economics related occupation.

(ii) Three quarter credits or the equivalent of approved vocational teacher training in the field certified to teach since the initial three-year certificate; except:

Home and family life (useful) and home economics related occupations (gainful) which do not require additional teacher training.

(iii) Instructors must possess a valid first aid certificate.

(c) The five-year certificate may be renewed every five years provided the following conditions are met; except home and family life (useful) and home economics related occupation (gainful):

(i) Two years of professional experience in the field certified to teach during the life of the five-year vocational certificate; except home economics subject matter specialist (useful and gainful) require teaching experience in the home and family life specialty or in the home economics related occupation during the life of the previous certificate;

(ii) Six quarter credits or the equivalent of approved vocational teacher training which may include three quarter credits or the equivalent of technical upgrading or equivalent work experience prior approved by the state board of education since the previous certificate;

(iii) Instructors must possess a valid first aid certificate.

(d) Home and family life (useful) and home economics related occupations (gainful) require the following of the instructors for first renewal of the five-year vocational certificate:

(i) Forty-five quarter credits of state board of education approved professional and technical studies which include at least six quarter credits in home economics subject matter and/or home economics education beyond the requirements for the first five-year certificate; and

(ii) Vocational home and family life education teaching experience during the life of the preceding certificate.

(e) Home and family life (useful) and home economics related occupations (gainful) require the following of the instructors for second and subsequent renewals of the five-year vocational certificate:

(i) Within the five-year period immediately preceding the request for renewal, the instructor must have had teaching experience in home and family life education subjects or in the home economics related occupation (gainful);

(ii) Six quarter credits or the equivalent of professional education, including home economics and/or home economics education; and

(iii) Instructors must possess a valid first aid certificate.

(2) Instructors with a bachelor's degree must meet the following specific requirements in addition to the general requirements for certification renewal:

Those areas having specific requirements for renewal of the one-year certificate are as follows:

(a) Home economics subject matter specialist (useful and gainful) require that the one-year certificate may be renewed two times in the following manner:

(i) Instructors must have a course in principles and objectives of vocational education for the first renewal; and

(ii) Instructors are required to have three quarter credits or the equivalent of professional education in the discipline to be taught.

(b) Business and office instructors are required to have a course in objectives, principles and philosophies of vocational education in order that the one-year certificate be renewed.

(3) Instructors from business and industry must meet the following general requirements for certification renewal:

(a) The one-year certificate may be renewed two times in the following manner:

(i) The first renewal shall consist of:

(A) Three quarter credits or the equivalent of approved vocational teacher training since the initial certification which must include methods of teaching if not taken prior to initial certification; except CRT, distributive education—cooperative preparatory, diversified occupations, and ICE do not require the above; and

(B) Possession of a valid first aid certificate.

(ii) The second renewal shall consist of:

(A) Three quarter credits or the equivalent of vocational teacher training since the previous certificate, which must include curriculum development/course organization if not taken previously; except CRT, distributive education—cooperative preparatory, diversified occupations and ICE which do not require the above. Home economics related occupations (gainful) require three quarter credits or thirty additional clock hours of approved teacher training from courses listed under the five-year certificate; and

(B) Possession of a valid first aid certificate.

(b) The three-year certificate may be renewed one time in the following manner:

(i) Instructors must possess vocational-teaching experience of one hundred twenty hours in the occupation certified to teach during the life of the previous certificate; except home economics related occupations (gainful);

(ii) Three quarter credits or the equivalent of approved vocational teacher training is required since the three-year certificate; and

(iii) Instructors are required to possess a valid first aid certificate.

(c) The five-year certificate may be renewed every five years if the following criteria are met:

(i) Instructors must have vocational teaching or supervisory experience of two years in the occupation certified to teach during the life of the previous certificate; except home economics related occupations (gainful) which requires vocational teaching experience in the home economics related occupation during the life of the previous certificate;

(ii) Instructors are required to have six quarter credits or the equivalent of approved vocational teacher training which may include three quarter credits or the equivalent of technical upgrading or three hundred hours of work experience, prior approved by the state board of education since the previous certificate; and

(iii) Instructors are required to possess a valid first aid certificate.

(4) Instructors from business and industry must meet the following specific requirements in addition to the general requirements for certification renewal:

Those areas having specific requirements for the first renewal of the one-year certificate are as follows:

(a) Home economics related occupations (gainful) require a course in curriculum development;

(b) Trade and industry, technical and health occupations require a course in Unit II, occupational analysis.

NEW SECTION

WAC 180-77-055 SPECIFIC REQUIREMENTS FOR CERTIFICATION OF INSTRUCTORS TEACHING PROGRAMS DESIGNED TO PREPARE STUDENTS TO ENTER ADVANCED TRAINING. Instructors of vocational industrial arts must meet the following requirements:

(1) The requirements for a one-year certificate are as follows:

(a) Bachelor's degree with a major in industrial arts/industrial education;

(b) The following professional education course requirements must be completed:

(i) Methods of teaching industrial arts/industrial education;

(ii) Course in objectives, principles and philosophy of vocational education;

(iii) Introduction to community and industrial resources (one quarter credit or equivalent); and

(iv) Meet the general and specific safety and industrial hygiene and first aid requirements.

(c) Two years of gainful employment, which shall not include classroom teaching or educational administration. This shall include a minimum of eight hundred hours of industrial employment within the past six years.

(2) The requirements for a three-year certificate are as follows:

(a) All instructors must possess a one-year certificate within the past two years;

(b) Instructors are required to have one year of teaching experience under the previous one-year certificate;

(c) Completion of a professional development plan designed to maintain and improve teaching and occupational competency. The plan must be approved by the local certificated vocational director or the state program supervisor. A copy of the plan shall be kept available for review at the employing school district and shall include:

(i) Identified professional and occupational needs of the teacher and a description of the program designed to meet these needs; and

(ii) A detailed record of activities and hours kept by the instructor.

(d) Possession of a valid first aid certificate.

(3) The requirements for a five-year certificate are as follows:

(a) Possession of a three-year certificate within the preceding two years;

(b) Instructors are required to have two years of teaching experience under the previous three-year certificate;

(c) Completion of a professional development plan designed to maintain and improve teaching and occupational competency. The plan must be approved by the local certificated vocational director or the state program supervisor. A copy of the plan shall be kept available for review at the employing school district and shall include:

(i) Identified professional and occupational needs of the teacher and a description of the program designed to meet these needs; and

(ii) A detailed record of activities and hours kept by the instructor.

(d) Instructors must possess a valid first aid certificate;

(e) Completion of four hundred hours of gainful industrial employment since the one-year certificate in the field to be taught.

NEW SECTION

WAC 180-77-060 RENEWAL OF CERTIFICATES OF INSTRUCTORS TEACHING PROGRAMS DESIGNED TO PREPARE STUDENTS TO ENTER ADVANCED TRAINING. Instructors of vocational industrial arts must meet the following requirements for certification renewal:

(1) The three-year certificate may be renewed one time upon:

(a) Completion of a professional development plan designed to maintain and improve teaching and occupational competency. The plan must be approved by the local certificated vocational director or state program supervisor. A copy of the plan shall be kept available for review at the employing school district and shall include:

(i) A detailed record of activities and hours kept by the instructor; and

(ii) Identified professional and occupational needs of the teacher and a description of the program designed to meet these needs.

(b) Possession of a valid first aid certificate;

(c) Completion of two hundred hours of gainful industrial employment.

(2) The five-year certificate may be renewed every five years provided the following conditions are met:

(a) Two years of teaching experience under the previous five-year certificate;

(b) Possession of a valid first aid certificate;

(c) Completion of a professional development plan designed to maintain and improve teaching and occupational competencies. The plan must be approved by the local certificated vocational director or the state program supervisor. A copy of the plan shall be kept available for review at the employing school district and shall include:

(i) A detailed record of activities and hours kept by the instructor; and

(ii) Identified professional and occupational needs of the teacher and a description of the program to meet these needs.

(d) Completion of four hundred hours of additional gainful industrial employment. This gainful employment shall be obtained within the preceding five years.

NEW SECTION

WAC 180-77-065 VOCATIONAL CERTIFICATION REINSTATEMENT REQUIREMENTS FOR EXTENDED ABSENCE FROM SUBJECT AREA OF VOCATIONAL EDUCATION FOR SIX YEARS OR MORE. Instructors in agriculture, business and office, CRT, distributive education, diversified occupations, home economics related occupations (gainful), ICE and trade and industrial, technical and health occupations are required to meet the following:

Teachers returning to the profession need a minimum of three quarter credits or the equivalent of approved teacher training in the program area to reinstate the vocational certificate last held, except home and family life (useful) which requires candidates who have completed an approved program for training vocational teachers and have not taught for ten years or more must complete a total of twelve quarter credits or the equivalent including home economics education and subject matter courses to qualify for the five-year vocational certificate. A one-year certificate can be issued upon completion of three quarter credits of the above requirements.

NEW SECTION

WAC 180-77-070 SPECIFIC STANDARDS FOR CERTIFICATION OF LOCAL VOCATIONAL ADMINISTRATIVE AND SUPERVISORY PERSONNEL. (1) The local director and local assistant director of vocational-technical education must be eligible for a five-year vocational certificate in one of the vocational program areas for vocational education for initial certification as a director and must meet the following:

(a) The director must have educational requirements which are satisfactory to the local board of education;

(b) The director must have thirty quarter credits or the equivalent of state board of education approved vocational-technical education training including a course in supervision and administration of vocational education, or equivalent experience as evaluated by the state board of education;

(c) The director must have had three years of experience as a certificated vocational supervisor, vocational instructor, vocational counselor or occupational information specialist.

(2) In order to renew the local director and local assistant director of vocational-technical education certificates, six quarter credits or the equivalent of state board of education approved professional education or course work in vocational supervisory or managerial subjects, or equivalent professional experience as evaluated by the state board of education, is required.

(3) The local supervisor of vocational-technical education must be eligible for a five-year vocational certificate in one of the vocational program areas of vocational education for initial certification as a supervisor and must meet the following requirements; except home and family life (useful) and home economics related occupations (gainful):

(a) Supervisor must have a professional training course in vocational supervision; except distributive education and trade and industrial, technical and health occupations which require a course in vocational supervision or three years of additional management experience in the occupation certified to teach and in addition, supervisors of trade and industrial, technical and health occupations must possess professional in-service education of thirty quarter credits or the equivalent of state board of education approved vocational education courses;

(b) Supervisors of home and family life (useful) are required to have the following:

(i) A bachelor's degree from an institution with an approved program to prepare vocational home and family life teachers or have met the requirements and been recommended by an institution with an approved program approved in accord with chapter 180-78 WAC; and

(ii) Professional training to acquaint the candidate with current developments in home economics and home economics education with some course work in supervision and curriculum.

(c) Supervisors of home economics related occupations (gainful) require the following:

(i) A bachelor's degree in home economics or home economics education and one year of occupational experience or three years of gainful employment in a profession requiring expertise in a home economics related occupation; and

(ii) One year of experience in organizing preparatory or supplemental classes for home economics related occupations.

(4) For a renewal certificate, supervisors are required to have six quarter credits or the equivalent of professional education since the last

certificate as approved by the local certificated vocational director or the state program director from the occupation certified to teach.

NEW SECTION

WAC 180-77-075 SPECIFIC STANDARDS FOR CERTIFICATION OF LOCAL VOCATIONAL COUNSELORS. Vocational counselors are required to meet the following:

(1) Counselors are required to possess a valid educational staff associate—counselor certificate as provided in WAC 180-79-180, at the initial level in counseling and/or graduated from an institution of higher education in a counselor education program which includes study in such subjects as economics, sociology, psychology, political science and sources of occupational information in order to obtain a one-year certificate. All vocational counselors must have completed courses in the following or equivalent experiences as evaluated by the state board of education:

- (a) Techniques of counseling or counseling theory to include individual and/or group;
- (b) Tests and measurements and/or individual mental measurement and/or psychological evaluation;
- (c) Counseling practice;
- (d) Principles, objectives and/or philosophy of vocational education;
- (e) Counselors must have had two years of varied work experience in the last ten years other than teaching or counseling experience;
- (f) Experience is suggested in dealing with employment and personnel problems and with placement and evaluation of workers in business, industry, agriculture, education and/or government service.

(2) The requirements for a three-year certificate are as follows:

- (a) The counselor must have possessed a one-year certificate in the past two years;
- (b) Counselors must have had one year of vocational counseling;
- (c) Counselors must have three quarter credits or the equivalent of state board of education approved professional education since the previous certificate.

(3) The requirements for a five-year certificate are as follows:

- (a) Counselors must have had two years of vocational counseling during the previous three-year certificate;
- (b) Counselors are required to have had six quarter credits or the equivalent of state board of education approved training in vocational counseling and/or vocational education since the previous certificate.

(4) To renew a counselor certificate the following is required:

- (a) The one-year certificate may be renewed two times on the recommendation of the state board of education;
- (b) The three-year certificate may be renewed one time provided:
 - (i) The counselor has had one year of vocational counseling during the life of the previous certificate; and
 - (ii) The counselor has had three quarter credits or the equivalent of state board of education approved training in vocational counseling and/or vocational education since the previous certificate.
- (c) The five-year certificate may be renewed every five years provided:
 - (i) The counselor has had two years of vocational counseling during the previous five-year vocational certificate; and
 - (ii) The counselor has had six quarter credits or the equivalent of vocational training and/or equivalent experience prior approved by the state board of education.

NEW SECTION

WAC 180-77-080 SPECIFIC STANDARDS FOR CERTIFICATION OF OCCUPATIONAL INFORMATION SPECIALIST. Occupational information specialists must meet the following requirements:

(1) Requirements for a one-year certificate for occupational information specialist are three years of full-time gainful employment of which two years shall have been in the last six years, dealing with employment or personnel problems and with placement and evaluation of workers; or two years of vocational teaching experience in an approved vocational program under the state plan for vocational education;

(2) Requirements for a three-year certificate are as follows:

- (a) The occupational information specialist must possess a one-year certificate within the preceding two years and must have one hundred twenty hours of professional experience during the life of the previous certificate;
- (b) The occupational information specialist must have a total of nine quarter credits or the equivalent of state board of education approved professional education;

(c) The occupational information specialist is required to have three quarter credits or the equivalent of state board of education approved professional education since the last certificate.

(3) Requirements for a five-year certificate are as follows:

- (a) Possession of a three-year vocational certificate within the preceding two years;
- (b) Vocational occupational information specialist experience of two years during the life of the previous certificate;
- (c) A total of eighteen quarter credits or the equivalent of professional education as approved by the state board of education.

(4) To renew an occupational information specialist certificate the following are required:

- (a) The one-year certificate may be renewed two times;
- (b) The three-year certificate may be renewed one time when the following are met:

(i) Professional experience of one hundred twenty hours as an occupational information specialist during the life of the previous certificate; and

(ii) Three quarter credits or the equivalent of professional education and/or equivalent experience since the previous certificate as approved by the state board of education.

NEW SECTION

WAC 180-77-085 SPECIFIC STANDARDS FOR CERTIFICATION OF LOCAL VOCATIONAL TEACHER TRAINERS. All local vocational teacher trainers must meet the following three-year certificate requirements:

(1) The teacher trainer must have had three years of experience as a certificated vocational instructor in one of the program areas;

(2) The teacher trainer must have had thirty quarter credits or the equivalent of state board of education approved vocational training in subjects related to instruction and supervision of vocational education;

(3) The teacher trainer must be recommended by the local certificated vocational director;

(4) The certificated local vocational directors and supervisors shall qualify as local vocational teacher trainers;

(5) The teacher trainer certificate may be renewed upon recommendation of the state board of education.

NEW SECTION

WAC 180-77-090 GENERAL STANDARDS FOR CERTIFICATION OF VOCATIONAL INSTRUCTORS, COUNSELORS, OCCUPATIONAL INFORMATION SPECIALISTS, TEACHER TRAINERS AND ADMINISTRATIVE AND SUPERVISORY PERSONNEL WITH A PROBATIONARY CERTIFICATE. In extraordinary instances, when a local vocational administrator feels a potential full-time person has the necessary competency, but does not meet the educational or occupational requirements for a vocational certificate, a one-year probationary certificate may be authorized provided a written training plan with documentation which states the work experiences, educational and other pertinent experiences and accomplishments of the applicant is provided and a plan is submitted telling how the deficiencies will be overcome. The training plan must be approved by the state board of education. This one-year probationary certificate is renewable one time.

NEW SECTION

WAC 180-77-095 GENERAL REQUIREMENTS FOR CERTIFICATION OF VOCATIONAL INSTRUCTORS OF SUPPLEMENTARY CLASSES. Instructors must be eligible for a one-year vocational certificate in one of the vocational program areas or specialized instructors for supplementary classes will be issued one-year renewable vocational certificates to teach in their specialty field upon documentation that they possess the skills and knowledge related to the subject matter taught.

When a local vocational administrator cannot employ a part-time vocational instructor for a supplementary class who meets the educational and occupational requirements, a one-year probationary certificate which is renewable is authorized for the part-time instructor, provided the person is endorsed by the local advisory committee and the work experience and professional education are documented and have been approved by the state board of education.

WSR 78-07-060
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed June 29, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning general certification provisions, new chapter 180-75 WAC;

that such agency will at 9:00 a.m., Thursday, August 24, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, August 25, 1978, in the Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

The authority under which these rules are proposed is chapters 28A.70 and 28A.93 RCW and RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 24, 1978, and/or orally at 9:00 a.m., Thursday, August 24, 1978, Learning Resources Center, Franklin Elementary School, Race and Boulevard, Port Angeles, WA.

Dated: June 29, 1978
 By: Wm. Ray Broadhead
 Secretary

Chapter 180-75 WAC
GENERAL CERTIFICATION PROVISIONS

NEW SECTION

WAC 180-75-005 PURPOSE. The purpose of this chapter is to incorporate into one chapter the general certification provisions to ensure uniform application and interpretation of the various certification rules.

NEW SECTION

WAC 180-75-015 EQUIVALENCY OF STANDARDS. Reasonable flexibility in interpretation of the requirements contained in this chapter and in chapters 180-77, 180-78, and 180-79 WAC may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. Exceptions to specific requirements will be considered. It shall be the responsibility of the superintendent of public instruction or his or her designee to make the final decision concerning approval of any exception.

NEW SECTION

WAC 180-75-020 APPEAL—GENERAL. Any person who applies for a certificate, particular certificate level or endorsement, certificate renewal, or certificate reinstatement whose application is denied may appeal that decision if he or she follows the procedures established in WAC 180-75-025 through 180-75-030: **PROVIDED,** That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked by the superintendent of public instruction.

The appeal procedure consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level.

NEW SECTION

WAC 180-75-025 APPEAL PROCEDURE—INFORMAL. Any person who desires to appeal the decision to deny his or her application must file a written notice with the superintendent of public instruction within twenty calendar days following the date of mailing from the section of the superintendent of public instruction's office responsible for certification of the decision to deny the application.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted.

Following timely notice of appeal, the superintendent of public instruction or his or her designee shall appoint a review officer who will be someone other than the person or persons who reviewed the application initially.

The review officer shall then:

(1) Review the application and appeal notice and may request further written information including but not limited to an explanation from the person or persons who initially reviewed the application of the reason(s) why the application was denied.

(2) If he or she deems it advisable, schedule an informal meeting of the appellant, the person or persons who denied the application initially, and any other interested parties designated by the reviewing officer, to receive oral information concerning the application. Any such meeting must be held within thirty days of the date of receipt by the superintendent of public instruction of the timely-filed appeal notice.

(3) Place in the mail a written decision on the appeal within forty-five days from the date of receipt of the timely-filed appeal notice by the superintendent of public instruction. The reviewing officer may uphold, reverse, or modify the decision to deny the application.

NEW SECTION

WAC 180-75-030 APPEAL PROCEDURE—FORMAL PROCESS. (1) Any person who has filed an appeal in accordance with WAC 180-75-020 and desires to have the denial of his or her application reviewed further may do so if the reviewing officer has not reversed the decision to deny the application. To instigate review under this section, a person must file a written notice with the state board of education within twenty calendar days following the date of mailing of the review officer's decision.

(2) For purposes of hearing an appeal under this section, the state board of education shall designate hearing examiners, the superintendent of public instruction, acting on behalf of the state board of education, shall select a hearing examiner to hear a particular appeal.

The appeal shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

NEW SECTION

WAC 180-75-035 CERTIFICATE REVOCATION. The state board of education considers it to be the professional obligation of each school district superintendent or nonpublic school administrator and each educational service district superintendent to file a written complaint with the superintendent of public instruction pursuant to RCW 28A.70.160 against any certificated employee who:

(1) Has committed or is guilty of (a) immorality, (b) a violation of written contract, (c) intemperance, (d) a crime against the law of the state, or (e) an act of unprofessional conduct that is of a nature which may justify the revocation of the individual's certificate to be employed in the schools; or

(2) Has been convicted of any crime involving the physical neglect of children, injury of children (excepting possible motor vehicle violations) or the sexual abuse of children.

Upon receipt of any such written complaint, that section within the office of the superintendent of public instruction having responsibility for certification shall investigate the complaint. If sufficient cause for revocation of the individual's certificate(s) is believed to exist, the section shall present the case before the superintendent of public instruction. The superintendent of public instruction may appoint a hearing examiner and/or legal counsel to assist the superintendent in hearing the case. The hearing shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

The superintendent of public instruction or his or her designee shall withhold certification of an individual from another state whose certificate has been revoked in such state.

In accordance with RCW 28A.70.180 an individual may become eligible to receive a certificate after a period of one calendar year from the date of revocation. The superintendent of public instruction or his

or her designee shall consider the application of an individual whose certificate has been revoked and, based upon application and such other information as deemed appropriate, determine whether a certificate shall be issued.

NEW SECTION

WAC 180-75-040 NOTIFICATION OF REVOCATION OF CERTIFICATES. The office of the superintendent of public instruction shall notify all other states that a certificate has been revoked and shall provide the full name and certificate number to the agency responsible for certification in each state.

NEW SECTION

WAC 180-75-045 CERTIFICATE VALIDITY. Any certificate issued pursuant to chapters 180-77 or 180-79 WAC shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the certificate until such certificate expires or is revoked. A certificate which is issued to an individual who does not meet all requirements set forth in this chapter is null and void.

NEW SECTION

WAC 180-75-050 CERTIFICATE REQUIRED. Persons serving as teachers, principals, educational staff associates, and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles.

NEW SECTION

WAC 180-75-055 TYPES OF CERTIFICATES. Four types of certificates shall be issued:

- (1) **Teacher.** The teacher certificate authorizes service in the primary role of classroom teaching.
- (2) **Administrator.**
 - (a) The administrator certificate endorsed "principal" authorizes services as a building administrator or vice principal.
 - (b) The administrator certificates endorsed "superintendent" or "program administrator" will be issued to persons who have completed state board of education approved preparation programs for service in the roles of district administrator, administrative staff, and program administrator.
 - (c) The superintendent and program administrator certificates are not required.
- (3) **Educational staff associate.** The educational staff associate certificate authorizes service in roles of specialized assistance to the learner, the teacher, the administration and the educational program. Included as educational staff associates shall be communication disorders specialists, counselors, school nurses, occupational therapists, physical therapists, psychologists, social workers, and reading resource specialists.
- (4) **Vocational.** The vocational certificate authorizes service in vocational instruction in accordance with the provisions of chapter 180-77 WAC.

NEW SECTION

WAC 180-75-060 CERTIFICATE REPLACEMENT. The superintendent of public instruction shall issue a replacement certificate to any person who files an application, pays the appropriate certification fee, and verifies by signature that the original certificate has been lost or destroyed or that a legal name change has occurred.

NEW SECTION

WAC 180-75-065 FEE FOR CERTIFICATION. (1) In accordance with provisions of RCW 28A.70.110 and 28A.71.100, the fee for any certificate which is valid for more than one year, or for renewal or reinstatement of such certificate, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be fifteen dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be one dollar.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.70.110. The fee shall not be refunded unless the application is withdrawn before it is finally considered by the superintendent of public instruction or his or her designee. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

NEW SECTION

WAC 180-75-070 USE OF FEE FOR CERTIFICATION. (1) Certification fees will be used solely for precertification professional preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs, except when approved in advance by the superintendent of public instruction or his or her designee, are college/university tuition and fees and the rental or purchase of facilities or equipment.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

NEW SECTION

WAC 180-75-075 EDUCATIONAL EXPERIENCE ACCEPTABLE FOR CERTIFICATION. (1) Experience for maintaining and renewing certification. To satisfy experience requirements for maintaining and renewing a certificate, an individual must complete experience in an educational setting as defined in WAC 180-75-010 or as authorized for a vocational certificate in chapter 180-77 WAC.

(2) Any year during which an individual unsuccessfully completes a probationary period and has been discharged or nonrenewed in accordance with RCW 28A.67.065 and 28A.67.070 shall not be considered a year of experience for purposes of obtaining, maintaining or renewing a certificate.

NEW SECTION

WAC 180-75-080 CITIZENSHIP REQUIREMENTS—ALIEN PERMITS—TEACHERS ONLY. No person who is not a citizen of the United State of America shall be permitted to teach in the common schools of this state: **PROVIDED**, That the superintendent of public instruction may grant an alien a permit pursuant to WAC 180-79-235: **PROVIDED FURTHER**, That after a one-year probationary period the superintendent of public instruction, at the written request of the superintendent or his or her designee, or the school organization which employed such person on a permit, may grant to an alien who is otherwise qualified as determined by the superintendent of public instruction or his or her designee a certificate for which the applicant is otherwise qualified under this chapter.

NEW SECTION

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state must give evidence of good moral character, personal fitness, and no convictions for crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children as verified by a signed affidavit: **PROVIDED**, That the superintendent of public instruction may issue an emergency certificate pursuant to WAC 180-79-230 to an applicant who is on parole or probation.

(3) Competency. A candidate for certification shall demonstrate knowledge and skill in the areas specified by the state board of education as minimum generic standards for the respective certificate type and level set forth in WAC 180-79-130 through 180-79-210.

(4) Academic. A candidate for certification shall have successfully completed an approved program or have qualified under WAC 180-75-100 and/or 180-79-245 through 180-79-250.

(5) Experience. All candidates for continuing level certification shall have completed three years of certificated service in the respective role in an educational setting.

(6) Probationary status. A certificate shall not be issued to any candidate who is one probation as defined in RCW 28A.67.065 at the time of application for a certificate.

(7) Program completion. A candidate for an initial or continuing certificate shall provide verification that he/she has completed an approved preparation program.

Subsections (3), (4) and (5) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

NEW SECTION

WAC 180-75-090 PERMITS. (1) Alien permits.

(a) Alien permits may be issued under this section to aliens who have declared their intent to become citizens of the United States of America, have filed an application for a permit, and who have completed all requirements for a certificate: **PROVIDED**, That the issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(b) An alien permit is valid for a term equivalent to the period of validity of the certificate for which it is issued. Aliens seeking renewal of reinstatement of alien permits must comply with requirements specified in WAC 180-79-065: **PROVIDED**, That for vocational permits, aliens seeking renewal or reinstatement must comply with the requirements of chapter 180-77 WAC.

(2) Temporary alien permits. A temporary alien permit to serve as an exchange teacher and valid for one academic year may be issued to nonimmigrant aliens who have filed an application for a permit, have complied with conditions prescribed in RCW 28A.67.020, and have training and experience which at a minimum are equivalent to standards for the initial teaching certificate as set forth in this chapter.

(3) General permits.

(a) Permits may be issued under this section to those persons who have filed an application for a certificate; who have completed all requirements for provisional, initial, standard, or continuing certification; and who have accepted or are being considered for employment requiring a permit or certificate pursuant to RCW 28A.67.010.

(b) The issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(c) An individual may apply for a permit directly to the superintendent of public instruction: **PROVIDED**, That in the case of an individual completing requirements for certification in a Washington state institution of higher education the request may also be made to that institution.

(d) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the qualifications on his/her permit.

(e) A permit is valid for ninety consecutive calendar days commencing with the date following the date of issuance and is not renewable.

(4) Issuing authority. The superintendent of public instruction shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

NEW SECTION

WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED TEACHERS—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.93.010 and 28A.93.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

WSR 78-07-061

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1310—Filed June 30, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards for additional requirements under specified circumstances—Child care expenses for employed persons, amending WAC 388-29-155.

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 changes were mandated effective July 1, 1978 by the 1977 legislature.

Such rules are therefore adopted as emergency rules to take effect on July 1, 1978.

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 June 30, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1303, filed 6/2/78)

WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.

- (1) *The expense of child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.*

- (2) *The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required, not to exceed the following standards.*

(a) *Out-of-home day care*

- (i) *The part-time payment standard for day care of less than seven hours per day shall not exceed ~~((92))~~ 97 cents per hour for each child.*

- (ii) *The full-time payment standard for day care of seven hours or more per day shall not exceed ~~\$((6.42))~~ 6.74 per day for each child.*

- (A) *The full-time payment standard may be adjusted to accommodate unusual work schedules, provided the total amount authorized does not exceed ~~\$((32.10))~~ 33.95 per week of full-time day care for each child.*

(b) *In-home child care*

- (i) *The payment standard for in-home care shall not exceed ~~((92))~~ 97 cents per hour for the care of three children or less in the family, or ~~\$((1.19))~~ 1.26 per hour for care of four or more children in the family.*

- (ii) *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.*

- (3) *No payments shall be allowed for child care provided by the child's parent or stepparent.*

**WSR 78-07-062
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1308—Filed June 30, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GAU—Eligibility—Standards of assistance, amending chapter 388-29 WAC.

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 the attached rule amendments are mandated by chapter 339, Laws of 1977, 1st Extraordinary Session. There is insufficient time for regular adoption.

Such rules are therefore adopted as emergency rules to take effect on July 1, 1978.

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 June 30, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND

CONTINUING GENERAL ASSISTANCE. (1) The state-wide monthly standards for food, clothing, personal maintenance and necessary incidentals, household maintenance and shelter for those owning (including life estate), buying or renting an apartment or house shall be:

Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish and Thurston Counties
1	\$((+90)) <u>200</u>	\$((+1)) <u>12</u>	\$((201)) <u>212</u>
2	((263)) <u>277</u>	((29)) <u>31</u>	((292)) <u>308</u>
3	((330)) <u>348</u>	((25)) <u>27</u>	((355)) <u>375</u>
4	((391)) <u>412</u>	((25)) <u>27</u>	((416)) <u>439</u>
5	((452)) <u>476</u>	((25)) <u>27</u>	((477)) <u>503</u>
6	((513)) <u>540</u>	((25)) <u>27</u>	((538)) <u>567</u>
7	((574)) <u>604</u>	((25)) <u>27</u>	((599)) <u>631</u>
8	((635)) <u>668</u>	((25)) <u>27</u>	((660)) <u>695</u>
9	((696)) <u>732</u>	((25)) <u>27</u>	((721)) <u>759</u>
10	((757)) <u>796</u>	((25)) <u>27</u>	((782)) <u>823</u>
11	((818)) <u>860</u>	((25)) <u>27</u>	((843)) <u>887</u>
12	((879)) <u>924</u>	((25)) <u>27</u>	((904)) <u>951</u>
13	((940)) <u>988</u>	((25)) <u>27</u>	((965)) <u>1015</u>
14	((1001)) <u>1052</u>	((25)) <u>27</u>	((1026)) <u>1079</u>
15	((1062)) <u>1116</u>	((25)) <u>27</u>	((1087)) <u>1143</u>
16	((1123)) <u>1180</u>	((25)) <u>27</u>	((1148)) <u>1207</u>
17	((1184)) <u>1244</u>	((25)) <u>27</u>	((1209)) <u>1271</u>
18 or more	((1245)) <u>1308</u>	((25)) <u>27</u>	((1270)) <u>1335</u>

(2) Deleted

(3) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties

1	\$((+23)) <u>130</u>
2	((+79)) <u>189</u>
3	((238)) <u>251</u>
4	((297)) <u>313</u>

Recipients in household - all counties

5	((357)) <u>377</u>
6	((415)) <u>438</u>
7	((472)) <u>498</u>
8	((531)) <u>560</u>
9	((589)) <u>621</u>
10	((646)) <u>682</u>
11	((705)) <u>744</u>
12	((764)) <u>806</u>
13	((823)) <u>868</u>
14	((881)) <u>929</u>
15	((939)) <u>991</u>
16	((999)) <u>1054</u>
17	((1056)) <u>1114</u>
18 or more	((1115)) <u>1176</u>

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount non-exempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC ((388-28-100)) 388-29-100.

	Number of recipients in household					
	7	8	9	10	11	12
Maximum	(\$598)	\$631	\$662	\$691	\$718	\$743)
	<u>\$631</u>	<u>\$664</u>	<u>\$695</u>	<u>\$724</u>	<u>\$751</u>	<u>\$776</u>
	13	14	15	16	17	18
Maximum	(\$766)	\$787	\$806	\$823	\$838	\$851)
	<u>\$799</u>	<u>\$820</u>	<u>\$839</u>	<u>\$856</u>	<u>\$871</u>	<u>\$884</u>

AMENDATORY SECTION (Amending Order 1254, filed 12/1/77)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents who receive SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be \$25.00, with the following exceptions:

(a) For a resident converted to the SSI program on January 1, 1974, the standard shall be \$27.30. This amount includes the monthly allowance of \$4.20 which is applicable to a resident on the date of conversion.

(b) For persons under 18 in developmental disabilities group homes, the standard shall be ~~\$(27.45)~~ 28.95.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.

(1) The payment standard for a recipient of AFDC residing in a maternity home shall be ~~\$(404.70)~~ 426.45 per month, including ~~\$(27.45)~~ 28.95 clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS.

(1) Restaurant meals shall be an additional requirement only when:

(a) the individual is physically or mentally unable to prepare any of his meals, and

(b) board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ~~\$(62.35)~~ 65.80.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS.

(1) The standard for emergency restaurant meals shall be ~~\$(3.30)~~ 3.50 per day.

(2) The daily restaurant meal standard shall be used only when such assistance is required pending full determination of eligibility, or for temporary assistance of a week or less. The emergency standard shall be used not to exceed one week within a thirty-day period. When need for restaurant meals continues beyond one week, the standard in WAC 388-29-160 shall be used.

(3) The emergency restaurant meal allowance is a subsistence standard and does not provide adequate nutrition for a prolonged period.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG.

The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ~~\$(20.05)~~ 21.15.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his laundry, and

(b) He has no one able to perform this service for him.

(2) The monthly cost standard for laundry shall be ~~\$(5.45)~~ 5.75.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE. (1) The standard for board and room shall be ~~\$(137.90)~~ 145.50 per month or ~~\$(4.53)~~ 4.78 per day.

(2) The monthly standard for clothing and person maintenance and necessary incidentals shall be \$25.00.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. ((+)) The monthly cost standards for the grant requirements of an adult receiving approved care in an adult family home are:

((+)) (1) ~~\$(241.85)~~ 255.15 a month for room, board, laundry, personal and social care and nursing care as appropriate or required, or

((b)) (2) ~~\$(211.70)~~ 223.35 a month for room, board, laundry, personal and social care and necessary supervision, and

((c)) (3) \$25 for clothing and personal maintenance and necessary incidentals.

WSR 78-07-063

ADOPTED RULES

STATE BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Order 72, Resolution 78-31—Filed June 30, 1978]

Be it resolved by the State Board for Community College Education, acting at Olympia Technical Community College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the organization and operation of the State Board, amending WAC 131-08-005.

This action is taken pursuant to Notice No. WSR 78-05-097 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28B.50.070 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED June 28, 1978.

By John C. Mundt
Director

AMENDATORY SECTION (Amending Order 61, filed 7/8/77)

✓ WAC 131-08-005 GENERAL DESCRIPTION OF STATE BOARD ORGANIZATION AND OPERATIONS. (1) The State Board for Community College Education consists of seven members appointed by the Governor. Successors of the members initially appointed serve for terms of four years. ~~((For the academic year 1977-78))~~ 1978, regular meetings will be held on ~~((September 8, 1977; October 19, 1977; December 1, 1977;))~~ January 12, ~~((1978;))~~ March 2, ~~((1978;))~~ April 6, ~~((1978;))~~ May 17, ~~((1978;))~~ June 28, ~~((1978;))~~ September 7, October 18, and November 30. ~~((The location of each meeting is available at the State Board offices, 319 Seventh Avenue, Olympia, Washington 98504.))~~ Meetings shall commence at 8:30 a.m. and are held on the campus of the Olympia Technical Community College, 2011 Mottman Road, Olympia, Washington.

(2) The executive officer and secretary of the Board is the director of the state system of community colleges. He is in charge of the offices of the Board and responsible to the Board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. He exercises, in the name of the Board, all powers and duties delegated to him by the Board and at the direction of the Board executes, together with the chairman of the Board, all contracts entered into by the Board.

(3) It is the Board's duty to exercise general supervision and control over the state system of community colleges consistent with the specific powers and duties set forth in the Community College Act of 1976, chapter 28B.50 RCW.

(4) The Board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

Information and assistance may be obtained at the board office. Formal submission or requests to the State Board should be addressed to the director at the Olympia office.

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

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

WSR 78-07-064

ADOPTED RULES

STATE BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Order 71, Resolution 78-29—Filed June 30, 1978]

SEE BELOW

Be it resolved by the State Board for Community College Education, acting at Olympia Technical Community College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee charges made to students registered at Washington community colleges, WAC 131-28-025, 131-28-026 and 131-28-027.

This action is taken pursuant to Notice No. WSR 78-06-047 filed with the code reviser on 5/23/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 34.04 RCW and WAC 1-12-065 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 June 28, 1978.

By John C. Mundt
Director

✓ AMENDATORY SECTION (Amending Order 39, 6/27/75)

✓ WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the State Board.

(b) shall be assessed on a per-credit basis at uniform rates for resident and for non-resident students, provided:

(i) that the respective maximums charged to any resident or non-resident student shall not exceed the amount specified in RCW 28B.15.500,

(ii) that the required non-resident differential is charged to students registered for seven or more credits ~~((, and))~~.

~~((iii))~~ that for such courses the district board of trustees may reduce, but not eliminate, the total combined tuition and fees charged if in its judgment such amount would constitute an exorbitant charge considering the nature and content of the course, special circumstances related to the cost of offering the course, or unique characteristics of the students for whom the course is intended:)

(c) shall be assessed for part-time students, exclusive of services and activities fees, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition((-) and operating((- and services and activities)) fees charged to full-time students consistent with RCW 28B.15.500.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026. ((apprenticeship related training courses that meet the standards approved by the State Joint Apprenticeship Council pursuant to RCW 49.04.030, industrial first aid courses, designed to meet the requirements of the Washington Industrial Safety and Health Act of 1973, parent education courses offered in conjunction with cooperative pre-school education programs, and farm management courses that incorporate on-the-farm supervision, instruction, and work experience credit. Tuition and fees for such courses shall be those established by the district board of trustees subject to the approval of the State Board to the end that such charges shall be substantially uniform throughout the college system.))

(3) For community service ((regular or short)) courses, fees charged to students:

(a) shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

((b)) shall be based upon the number of credits assigned to such courses as listed in the official current catalog of the college, or for courses not so listed or given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the State Board, and))

((c)) (b) shall be assessed at a ((uniform)) rate sufficient to defray the ((total)) direct and indirect costs of offering ((all)) such community service courses ((during any fiscal year, provided that the district board of trustees may reduce the special fee for any specific community service course if in its judgment assessing such fee at the uniform rate would constitute an exorbitant charge considering the nature and content of the course, special circumstances related to the cost of offering the course, or unique characteristics of the students for whom the course is intended)).

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional non-instructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

((5) Fees for courses and programs for federally indentured apprentices shall be set by the district board of trustees.))

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

AMENDATORY SECTION (Amending Order 63, filed 9/13/77)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED

COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by RCW 28B.15.500 and WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the State Director, who shall review such proposals with respect to the provisions of subsection 2 of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection 1 of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discreet skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027.

(e) The course is not offered as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the State Board as occupational supplementary, occupational non-wage-earning, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection 2 of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
((+)) (a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and training	((+\$0.50)) \$13.50 per year	((+\$0.50)) \$13.50 per year	No Charge

Course	Tuition	Operating Fee	Services and Activities Fee
((2)) (b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	No Charge	No Charge	No Charge
((3)) (c) Parent education involving cooperative pre-school program	One-half the standard district charge per credit per quarter less one-half of pre-school cooperative fee	One-half the standard district charge per credit per quarter less one-half of pre-school cooperative fee	No Charge
((4)) (d) Farm management and small business management	(\$28.00) \$20.00 per ((two member-family unit per year plus \$14.00 for each additional family member)) year per person enrolled, minimum charge \$40.00 per year	(\$28.00) \$20.00 per ((two member-family unit per year plus \$14.00 for each additional family member)) year per person enrolled, minimum charge \$40.00 per year	No Charge
(c) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge

For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.

(5) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

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

AMENDATORY SECTION (Amending Order 65, filed 9/13/77)

WAC 131-28-027 COSTS AND SPECIAL FEES FOR CONTRACTED EDUCATIONAL SERVICES.
(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW

28B.50.140(16), to private or governmental entities and their members, employees or agents shall establish a special fee to be paid by either each student enrolled or a total fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and limit participation therein to employees, agents, or members of the particular entity.

(3) Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the college district.

(4) Any enrollments generated through contracts for educational courses or services developed pursuant to this regulation shall be appropriately designated so that they shall not be counted toward the official enrollment level of the college so that there will not be any state funding for such courses or services.

(5) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

(6) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs such as those for salaries and related benefits; supplies, public information; business services for budgeting, auditing, financial reporting, purchasing, payroll, and cashing; mail service, postage, telephone; admissions; registration; data processing; and maintenance of any public facilities used.

(7) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

6 JWB

WSR 78-07-065

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order FT 78-2—Filed June 30, 1978]

I, Charles W. Hodde, director of Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New WAC 458-40-18619	Definitions for 7/1/78 through 12/31/78.
New WAC 458-40-18620	Stumpage value areas—Map for 7/1/78 through 12/31/78.
New WAC 458-40-18621	Hauling distance zones—Maps for 7/1/78 through 12/31/78.
New WAC 458-40-18622	Timber quality code numbers—Tables for 7/1/78 through 12/31/78.
New WAC 458-40-18623	Stumpage values—Tables for 7/1/78 through 12/31/78.
New WAC 458-40-18624	Harvester adjustments—Tables for 7/1/78 through 12/31/78.
Amd WAC 458-40-19000	Timber pole volume table west of Cascade summit.
Amd WAC 458-40-19001	Timber piling volume table for west of Cascade summit.
Amd WAC 458-40-19002	Timber pole volume table east of Cascade summit.
Amd WAC 458-40-19003	Timber piling volume table for east of Cascade summit.
Amd WAC 458-40-19004	Conversion definitions and factors for 7/1/78 through 12/31/78.

This action is taken pursuant to Notice No. WSR 78-05-087 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.04.291 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 June 30, 1978.

By Roy Demorest
Assistant Director, Forest Tax Division

NEW SECTION

WAC 458-40-18619 DEFINITIONS FOR 7/1/78 THROUGH 12/31/78.

(1) **Acceptable Log Scaling Rule.** The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) **Approved Log Scaling and Grading Rules.**

(a) **West of the Cascade Summit—Approved Scaling and Grading Rule.** With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, and 5 in the stumpage value area map of WAC 458-40-18620, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) **East of the Cascade Summit—Approved Scaling Rule.** With respect to the reporting of timber harvested

from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18620, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) **East of the Cascade Summit—Established Grading Rule.** Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) **Step 1.** The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) **Step 2.** The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) **Step 3.** The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) **Codominant Trees.** Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) **Department.** Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) **Dominant Trees.** Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) **Forest Excise Tax Payment.** Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 82.04.291(1).

(7) **Harvester.** Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) **Harvested Timber—When Determined.** Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is over 100 years of age and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western red cedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade Summit;

(ii) Timber is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or less and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small harvest is defined as the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) is 250 thousand board feet or less in a given reporting quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof:

(a) West of the Cascade summit:

(i) "Douglas fir", "western hemlock", "true fir", "western red cedar", "noble fir", "Sitka spruce", "Alaska yellow cedar", "red alder", and "cottonwood"

shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18623.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (shake blocks and boards), western red cedar flatsawn and shingle blocks "western red cedar and other" (posts), "Douglas fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "white pine", "Douglas fir", "western hemlock", "true fir", "western red cedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18623.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas fir and other" (Christmas trees)

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are ten such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18620. Stumpage value areas 1, 2, 3, 4, and 5 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18623.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, and posts.

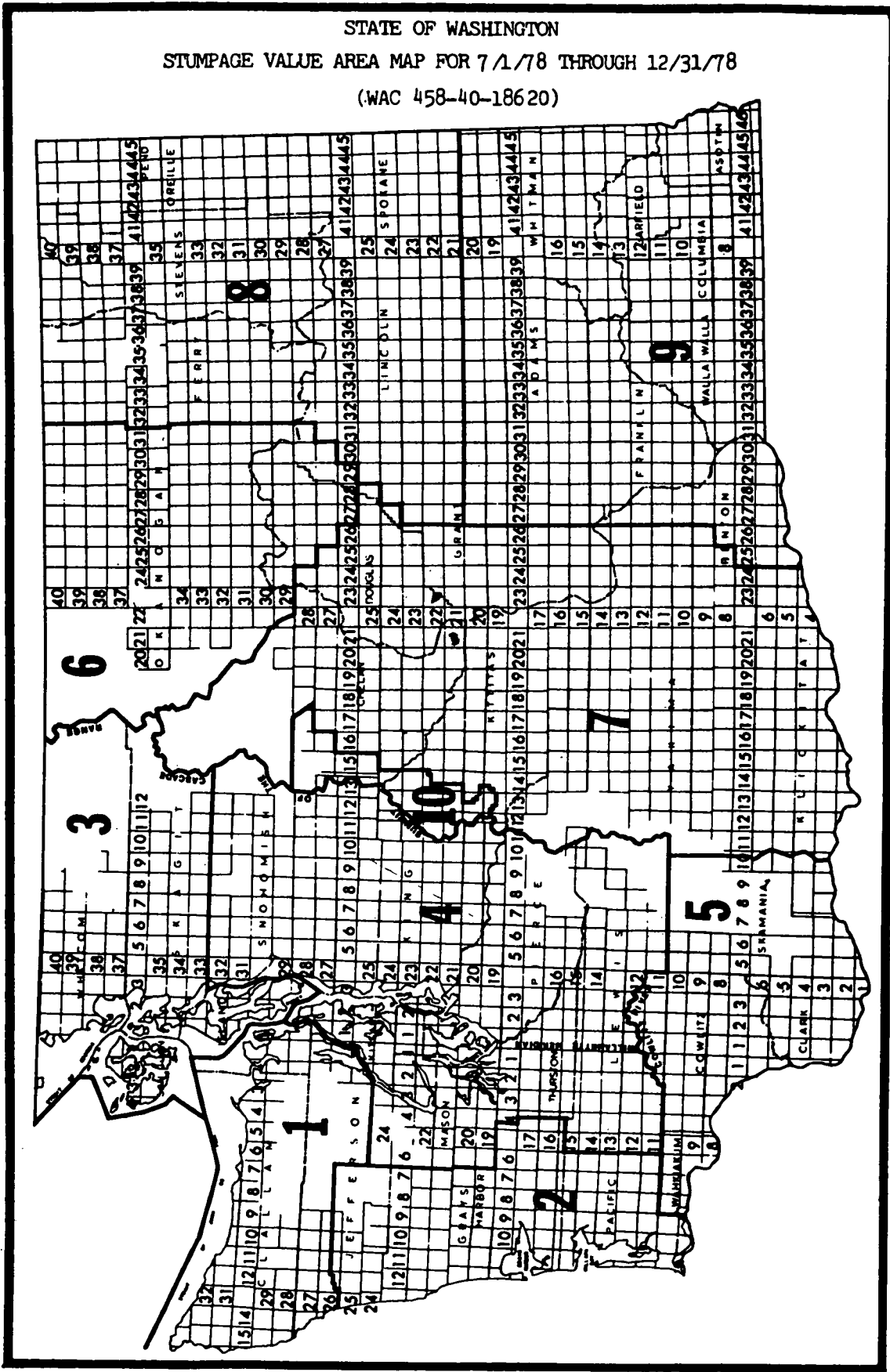
(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18622, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

 NEW SECTION

WAC 458-40-18620 STUMPAGE VALUE AREAS—MAP FOR 7/1/78 THROUGH 12/31/78. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 82.04.291(3), the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18623.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1978 through December 31, 1978:



NEW SECTION

WAC 458-40-18621 HAULING DISTANCE ZONES—MAPS FOR 7/1/78 THROUGH 12/31/78. In order to allow for differences in hauling costs and other relevant factors as required by RCW 82.04.291(3) the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

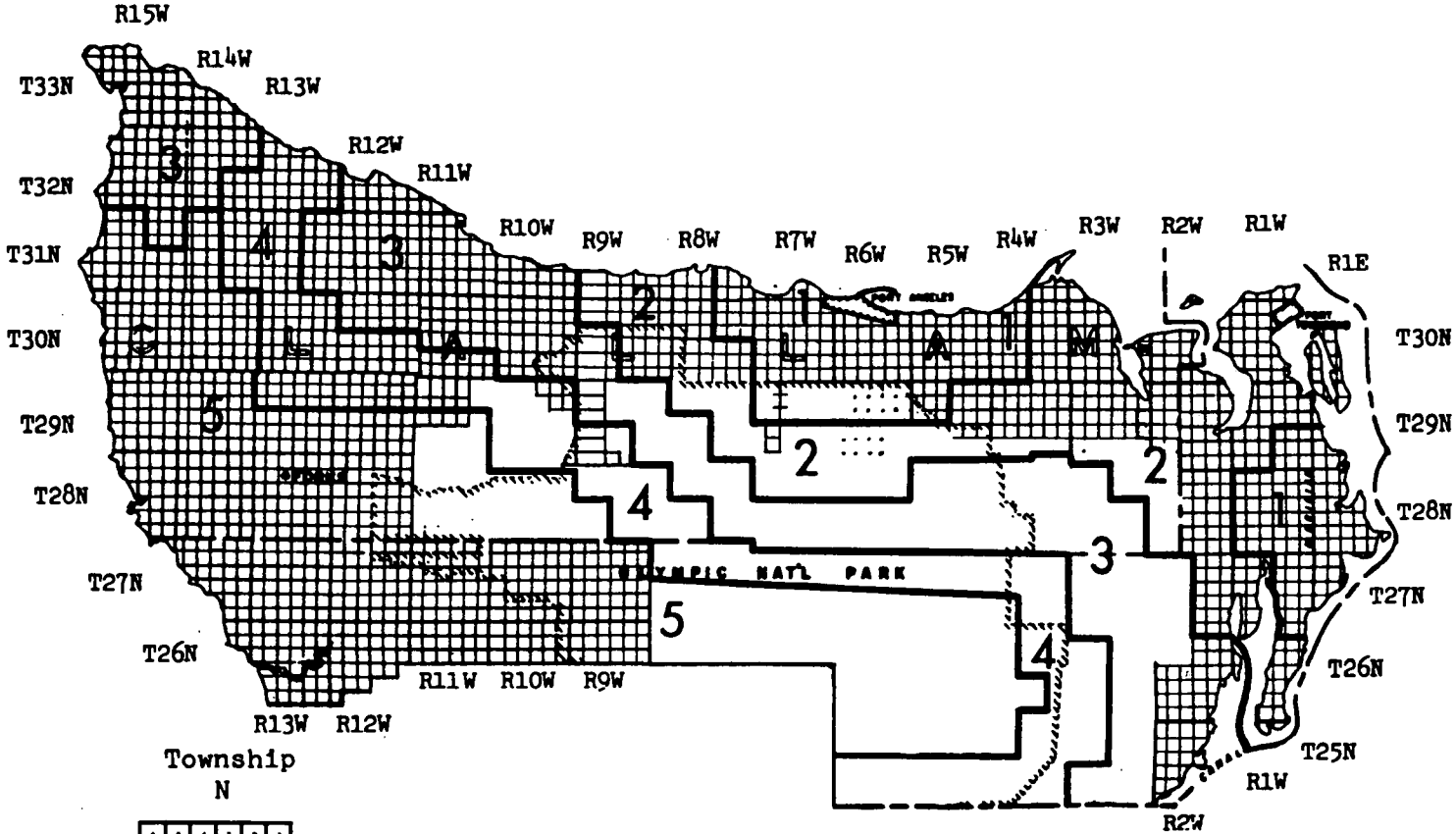
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18623.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1978 through December 31, 1978:

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 1

Page 1 of 1



Legend:
 1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

Township N

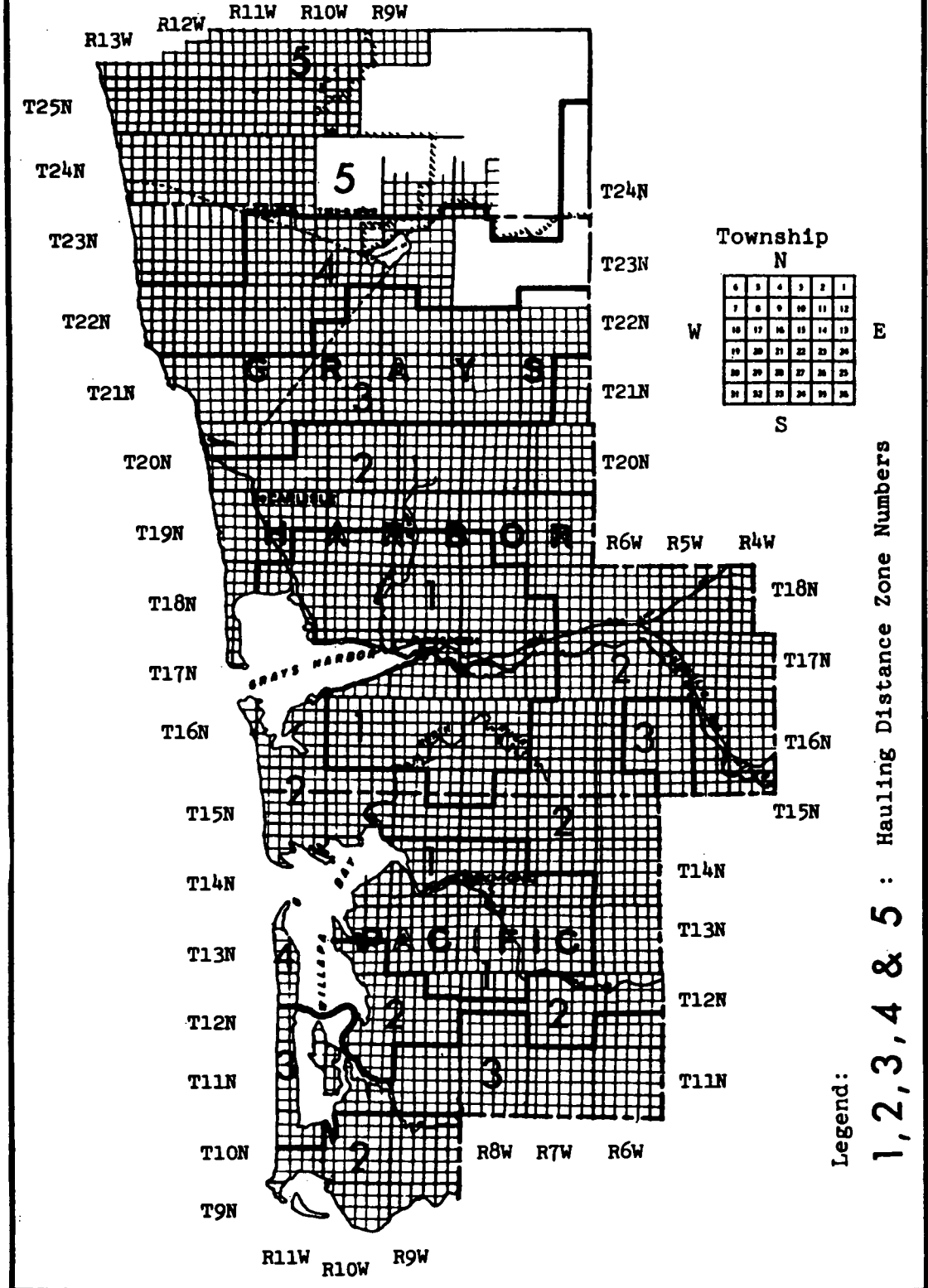
6	5	4	3	2	1
7	8	9	10	11	12
10	17	16	15	14	13
14	20	21	22	23	24
18	25	26	27	28	29
22	29	30	31	32	33

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HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC458-40-18621)

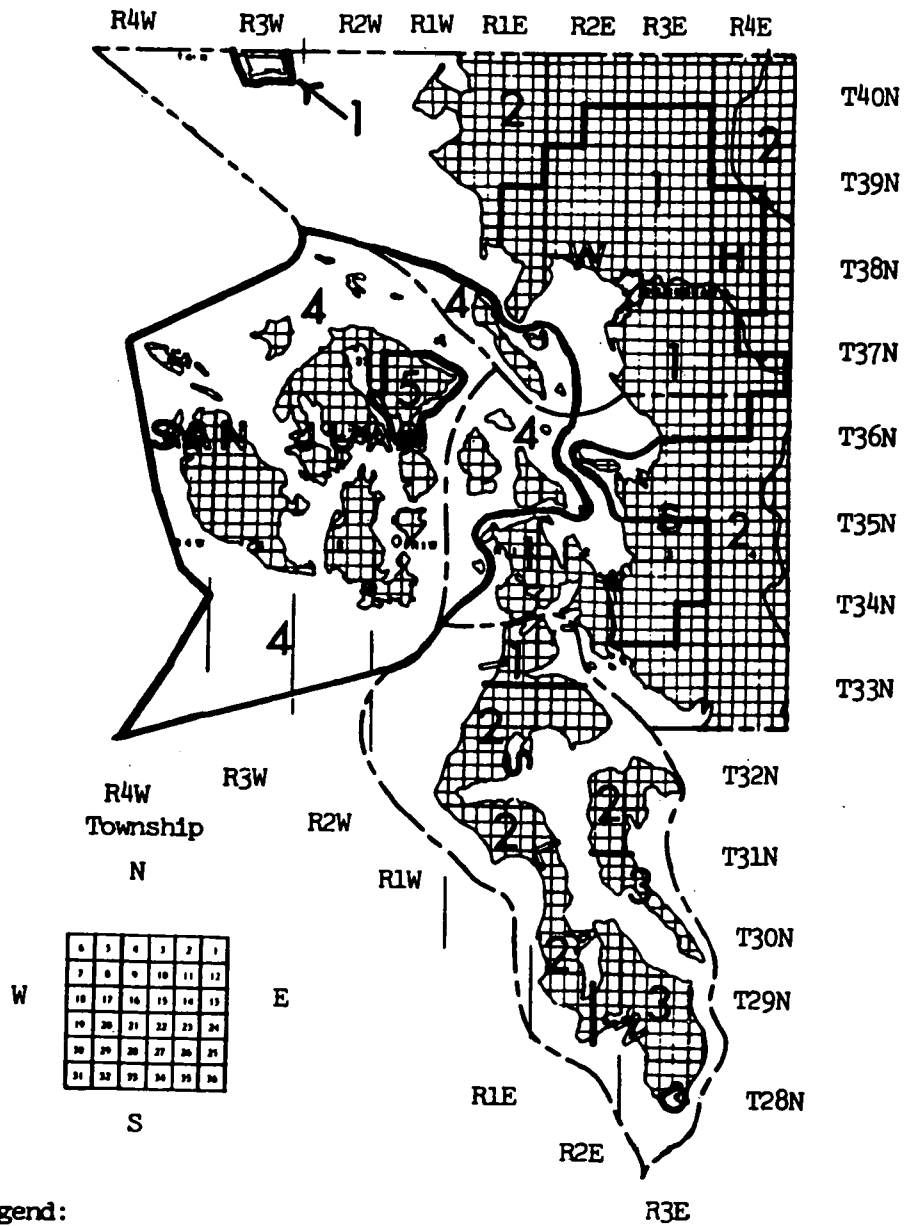
STUMPAGE VALUE AREA 2



HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 3

Page 1 of 2

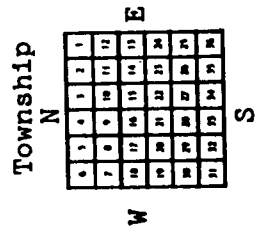
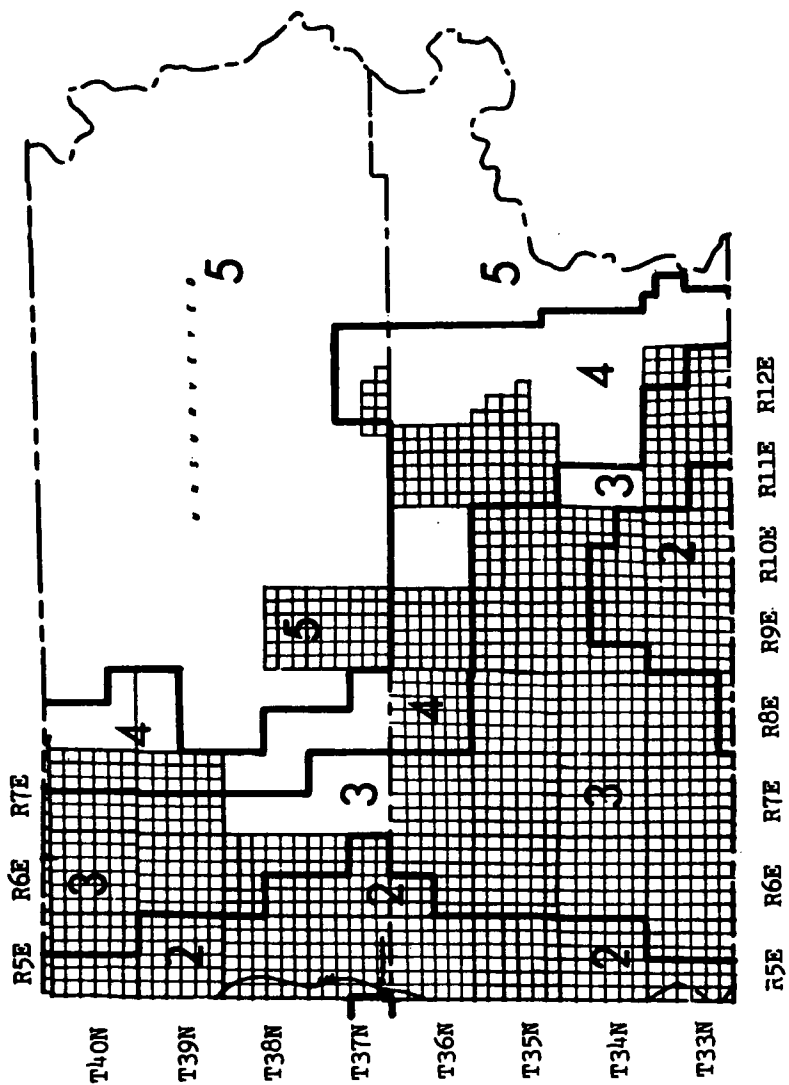


Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 3



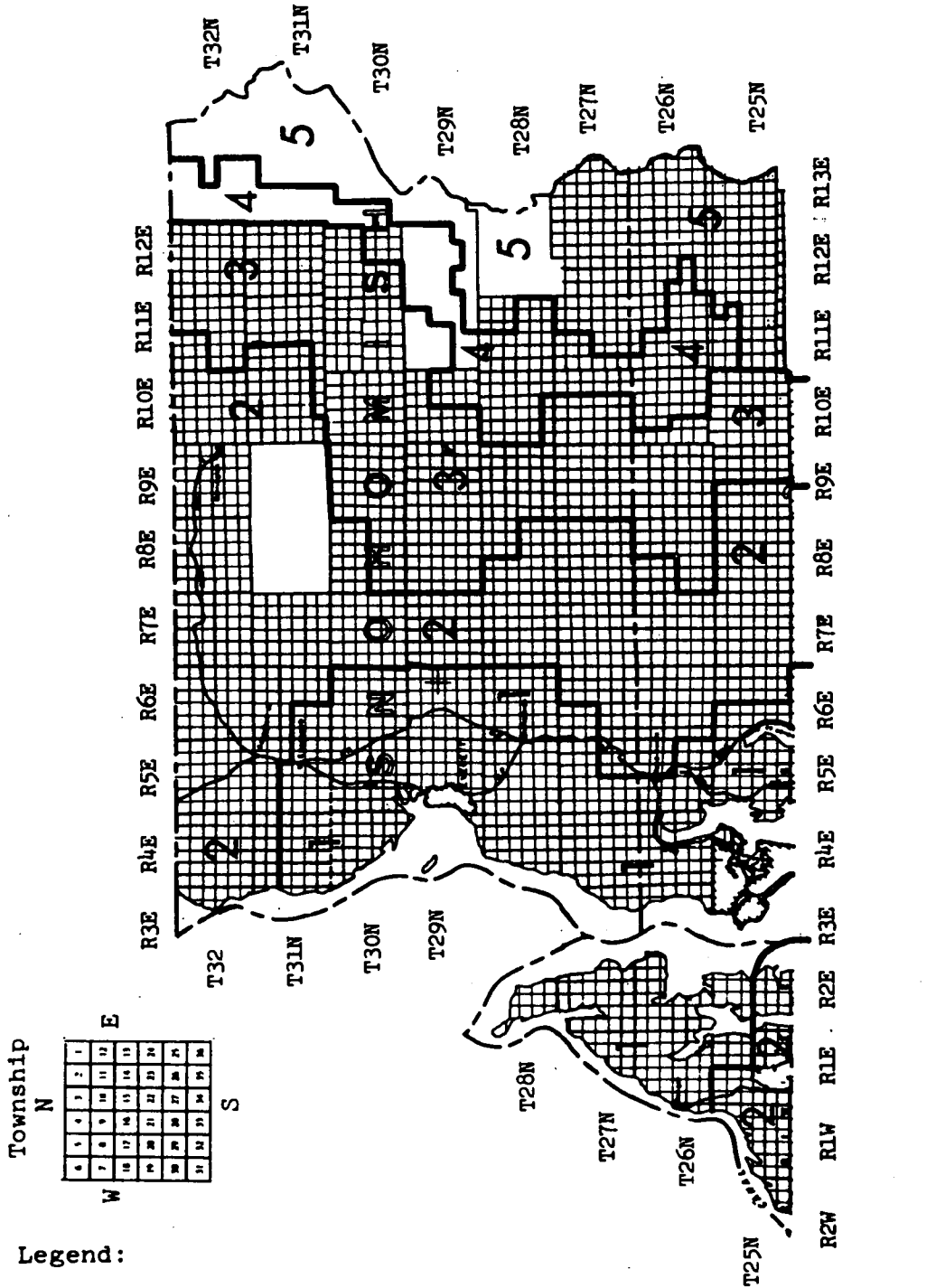
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4

Page 1 of 3



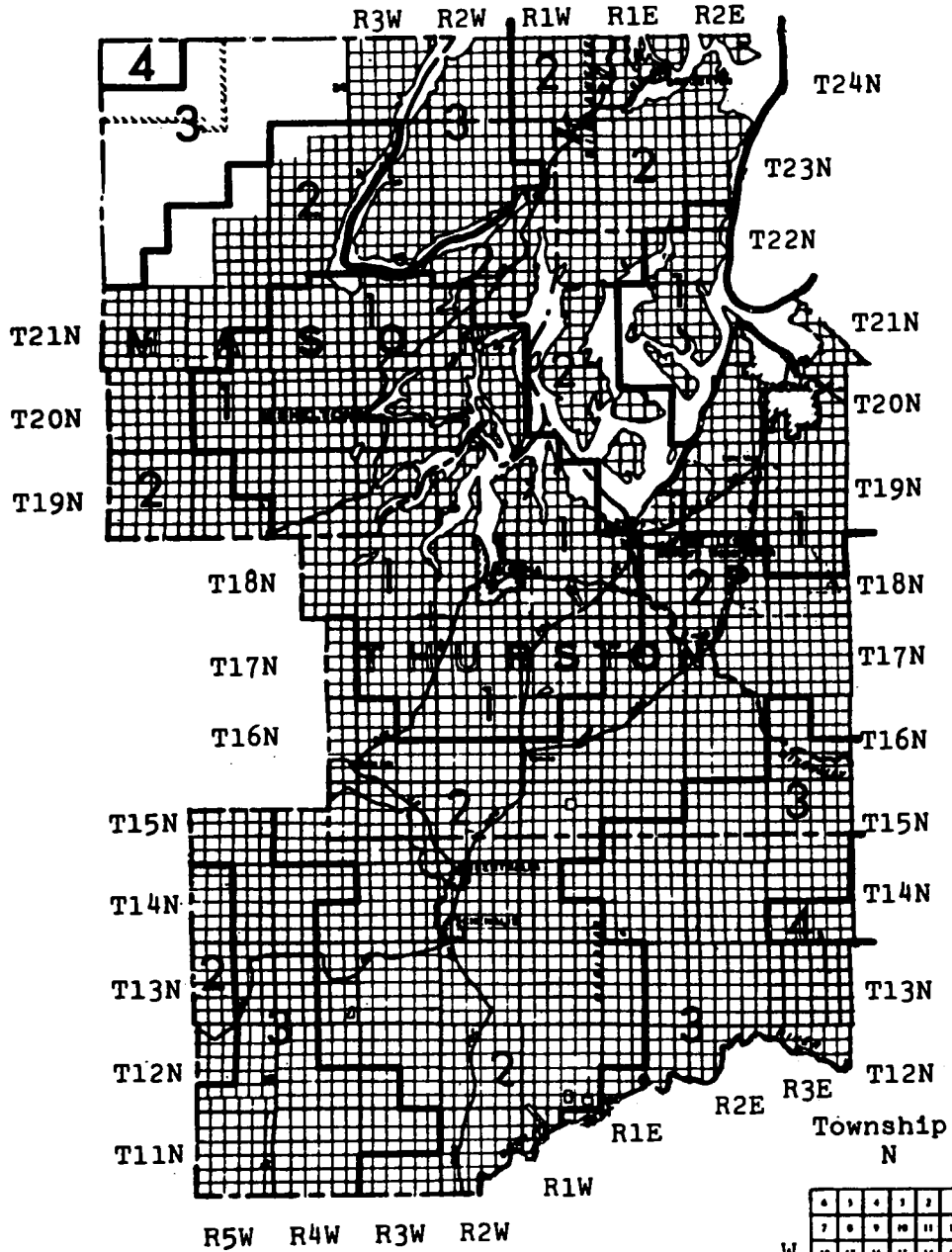
Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4

Page 2 of 3



Legend:

1, 2, 3 and 4: Hauling Distance Zone Numbers

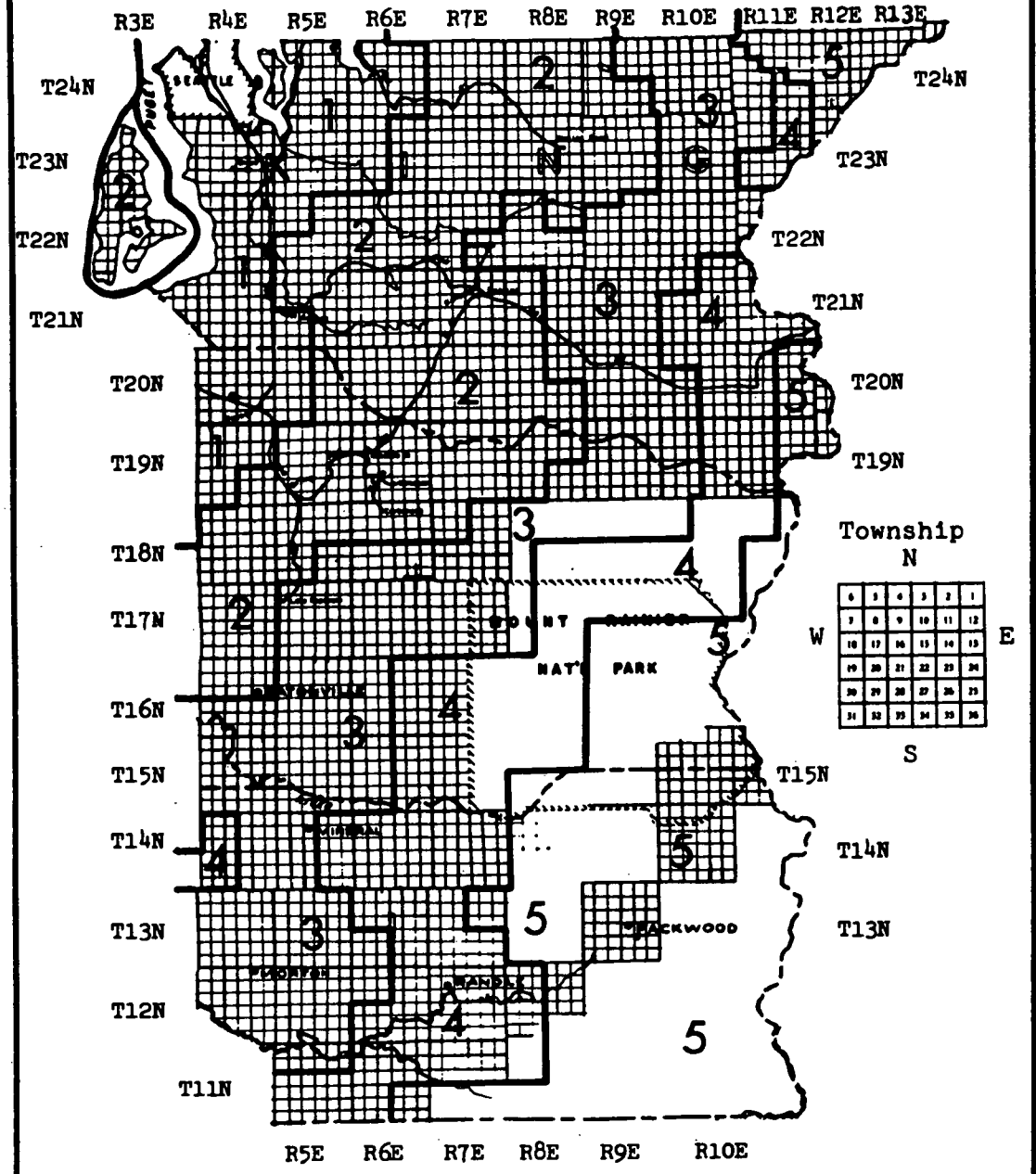
4	5	6	7	8
9	10	11	12	13
14	15	16	17	18
19	20	21	22	23
24	25	26	27	28
29	30	31	32	33

S

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 4

Page 3 of 3



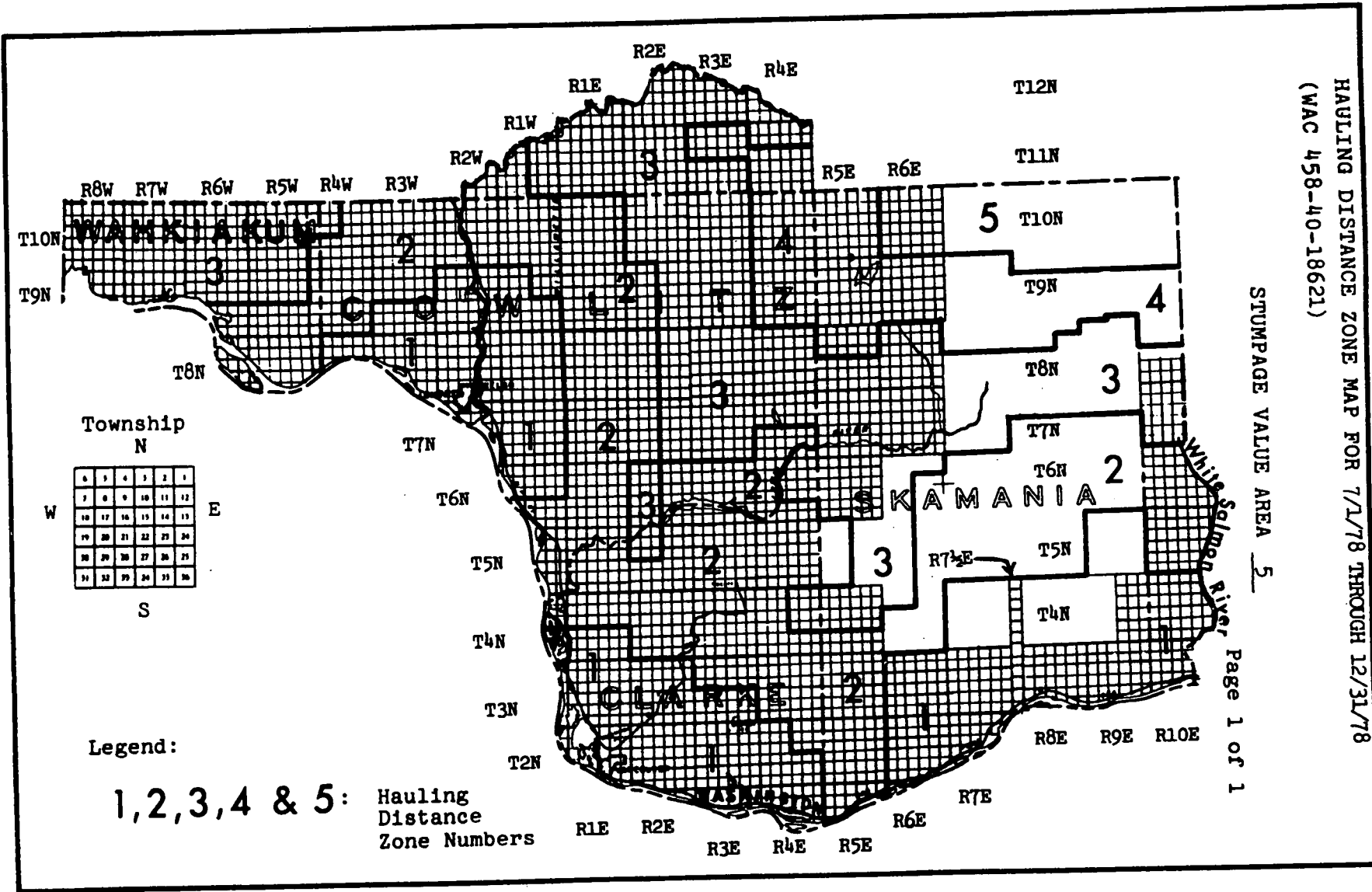
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township
N

6	7	8	9	10	11	12
1	2	3	4	5	6	7
13	14	15	16	17	18	19
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	32	33	34
35	36	37	38	39	40	41

S

Legend:

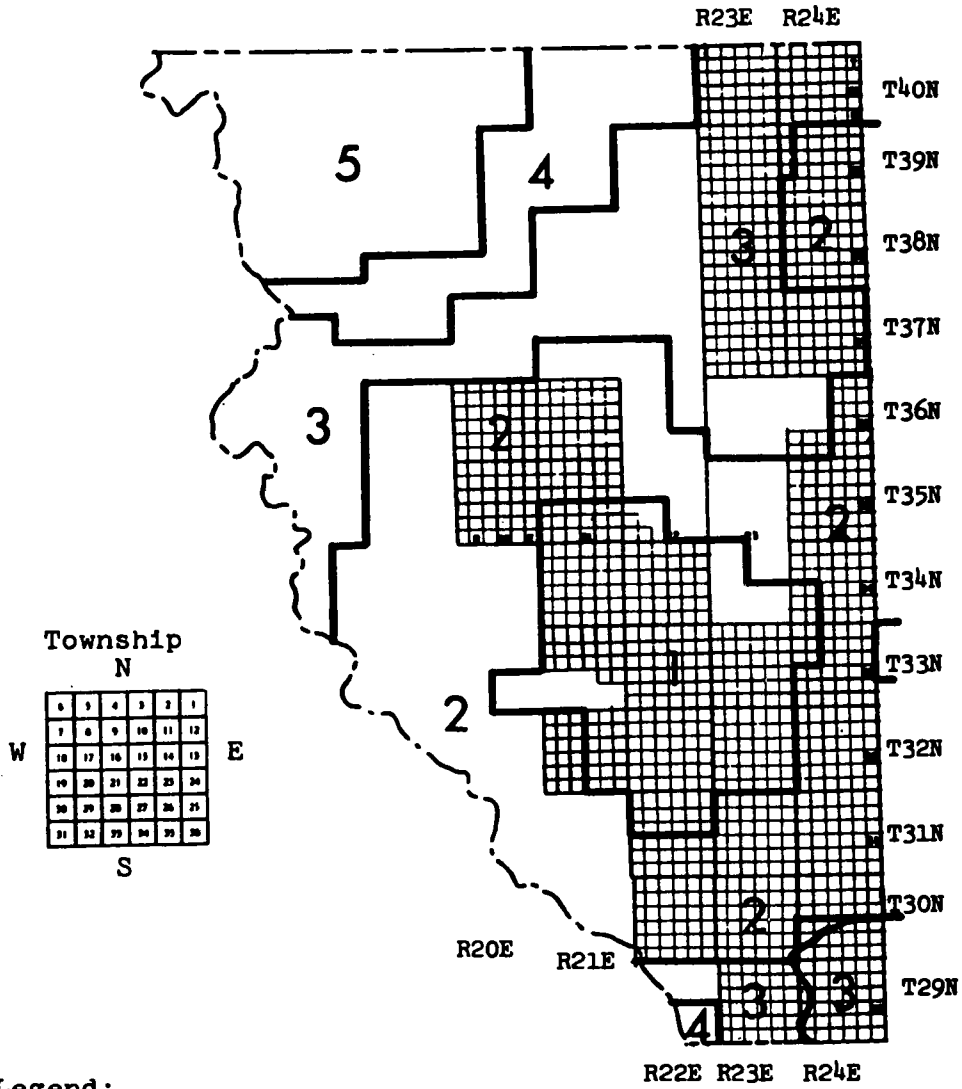
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

[226]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 6

Page 1 of 2



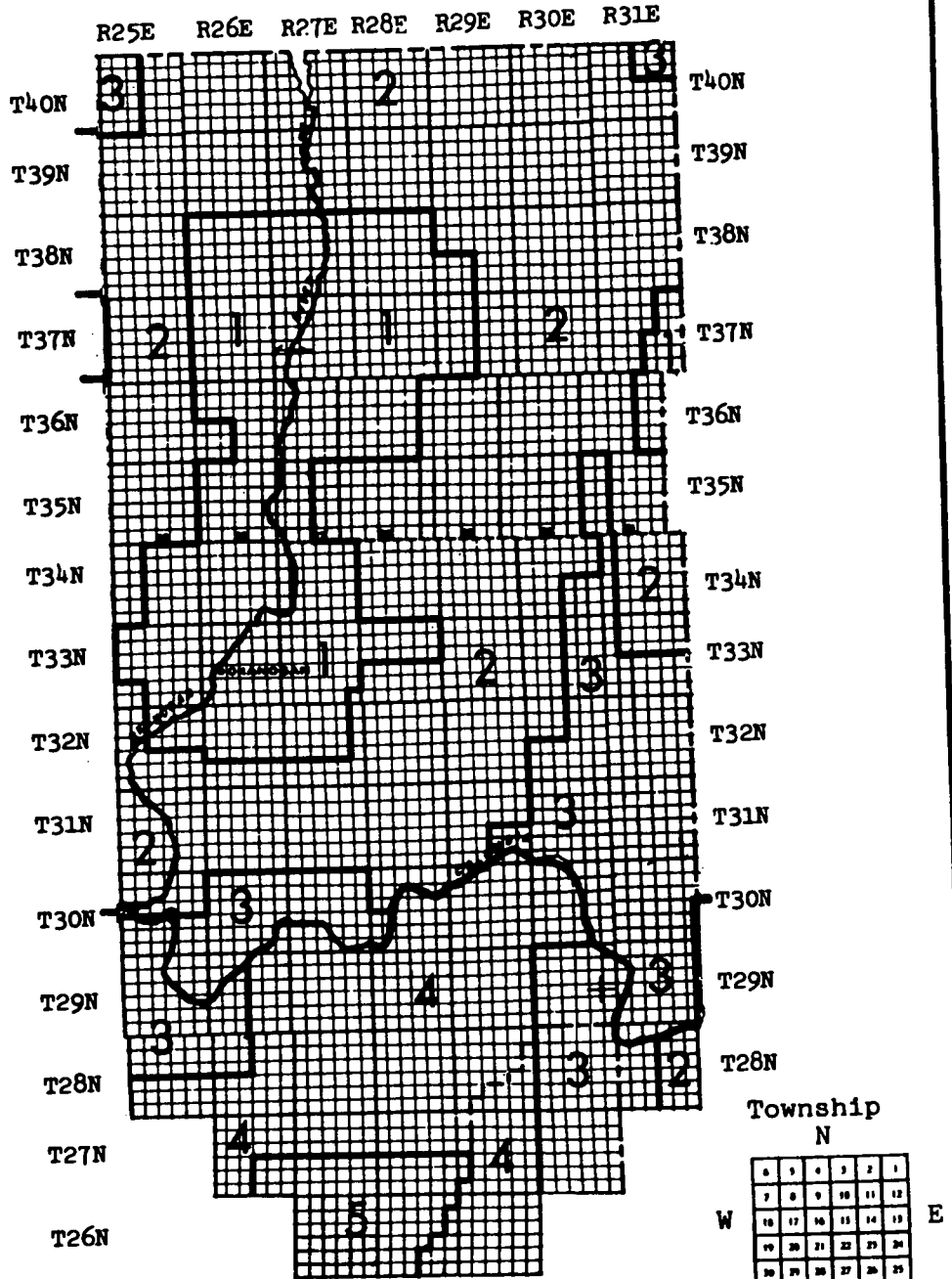
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 6

Page 2 of 2



Legend:

R25E R26E R27E R28E R29E R30E R31E

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

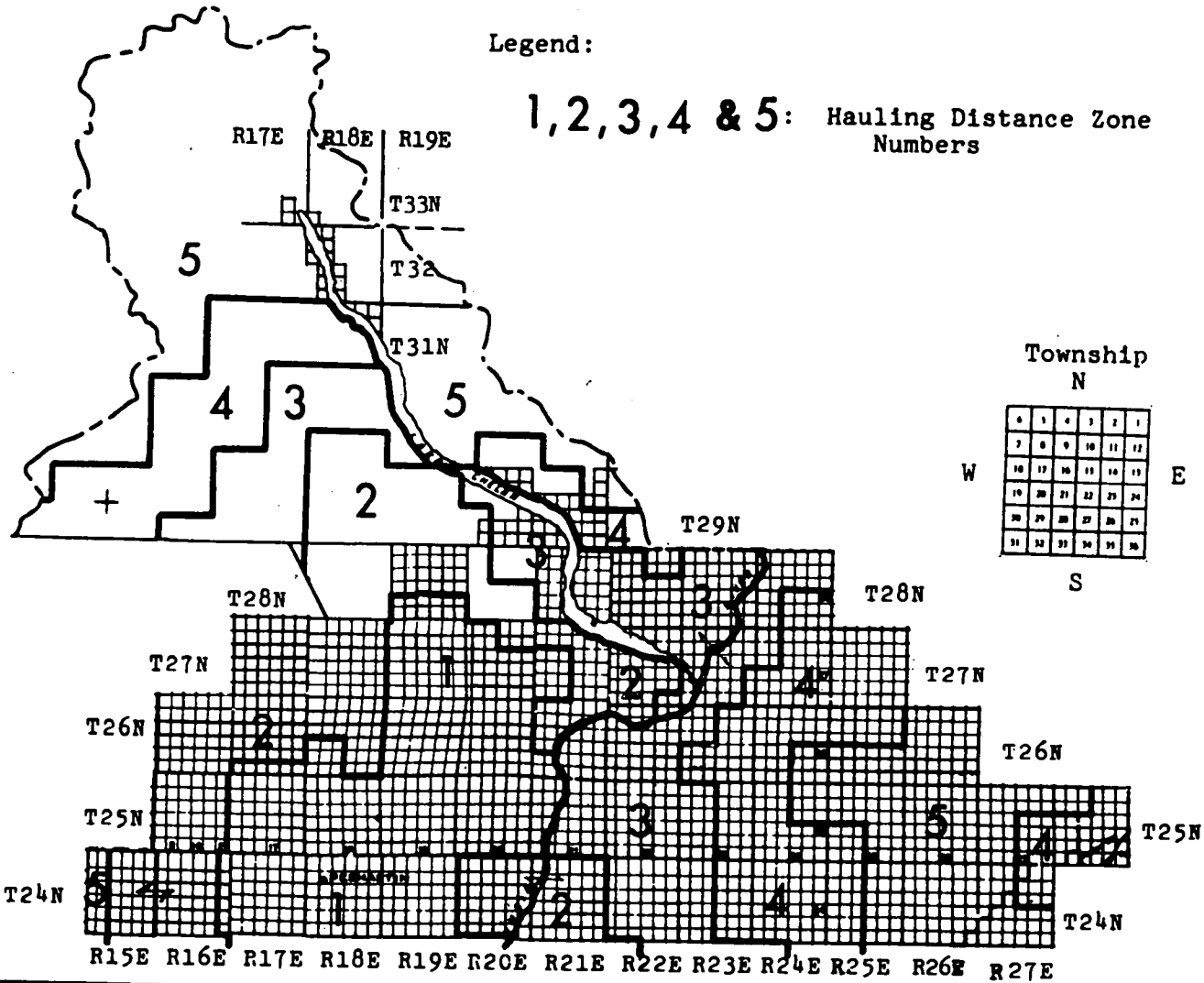
HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



[229]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

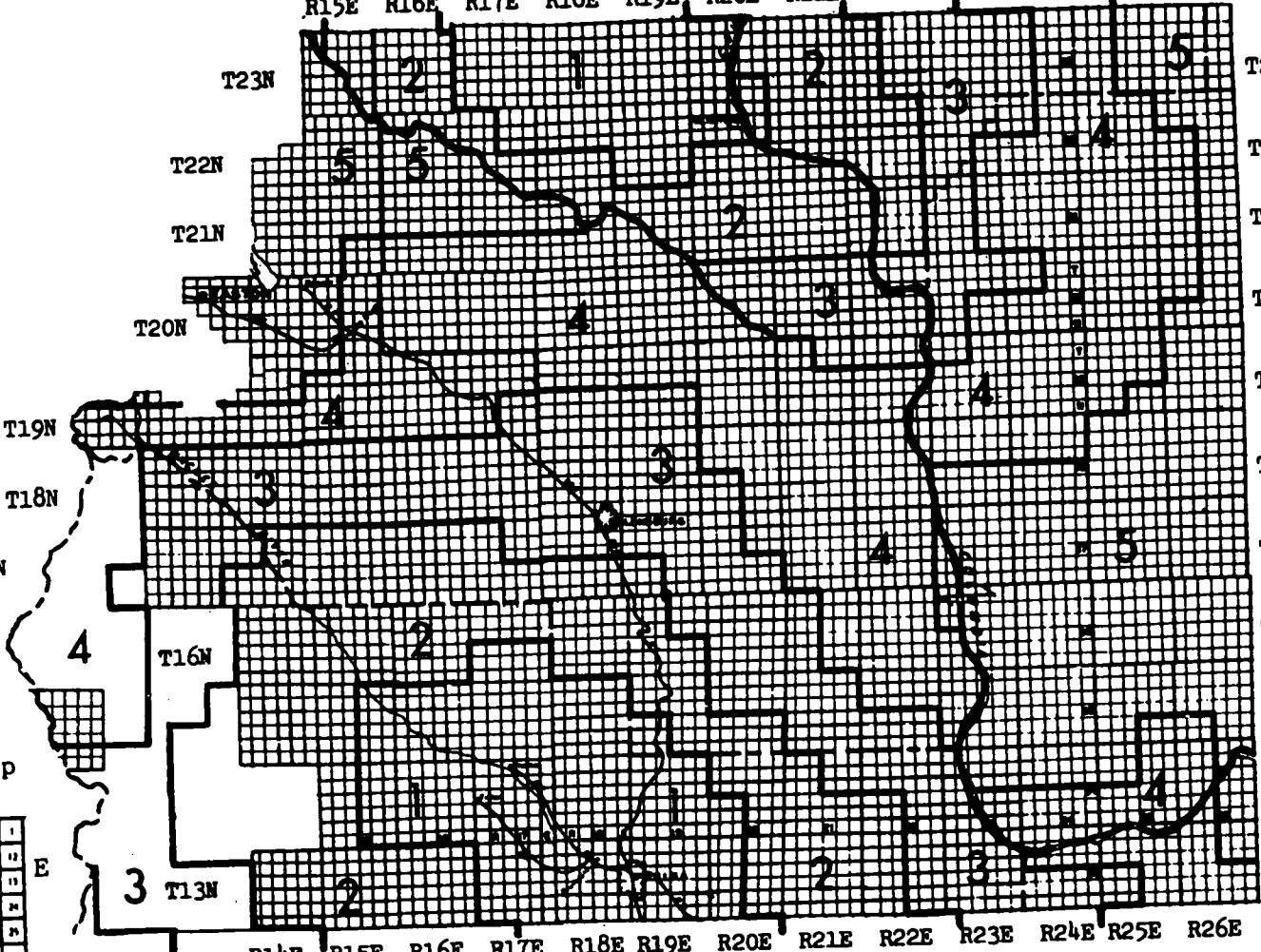
STUMPAGE VALUE AREA 7

Page 2 of 3

T23N
T22N
T21N
T20N
T19N
T18N
T17N
T16N
T15N
T14N
T13N

R15E R16E R17E R18E R19E R20E R21E R22E R23E R24E R25E R26E

R14E R15E R16E R17E R18E R19E R20E R21E R22E R23E R24E R25E R26E



Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

Township N

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

W

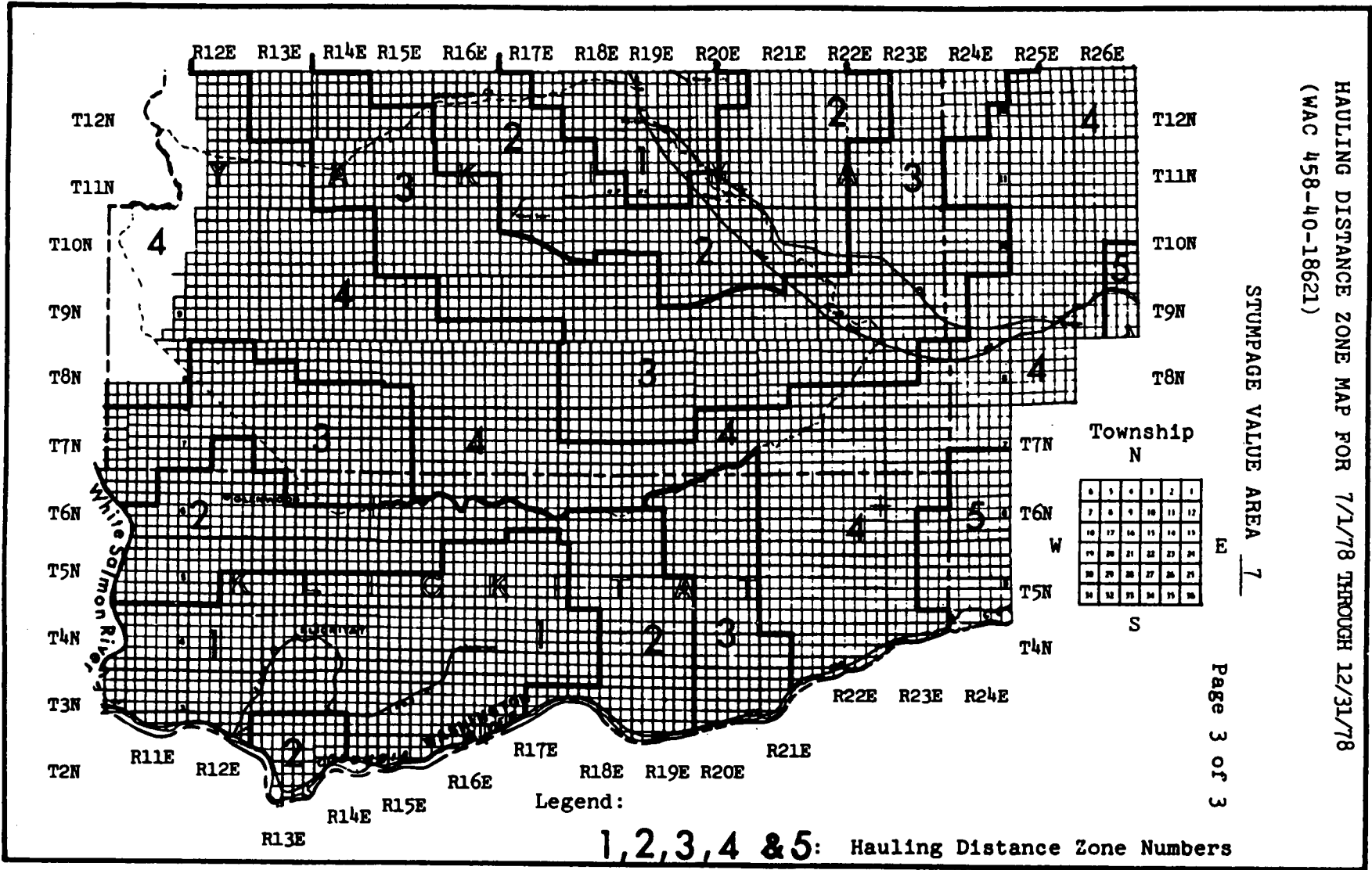
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HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 7

Page 3 of 3



Township N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

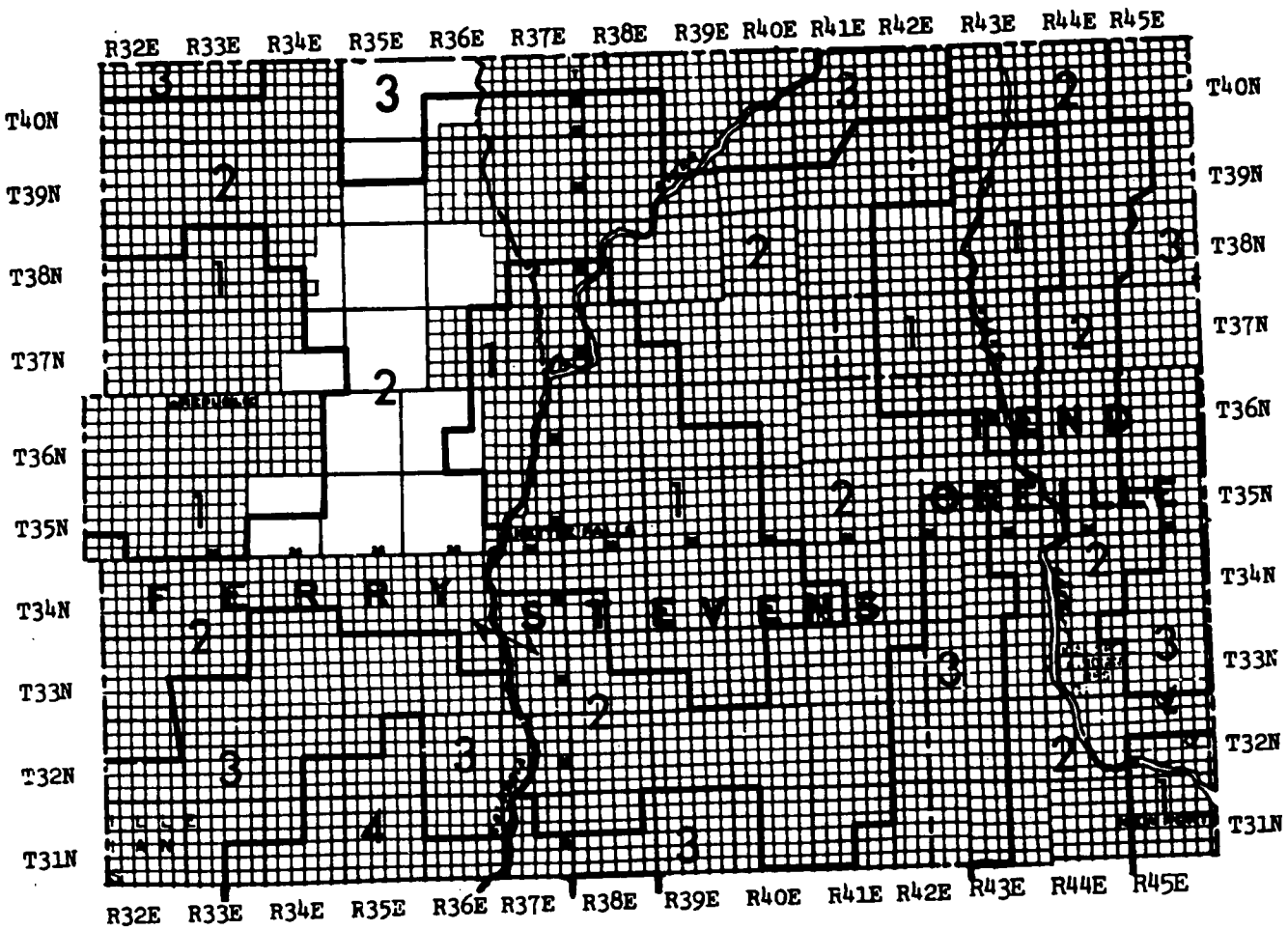
W E S

[231]

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township

N

6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	32	33
34	35	36	37	38	39	40

W

E

S

Legend:

1, 2, 3, 4 & 5:

Hauling Distance
Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
 (WAC 458-40-18621)

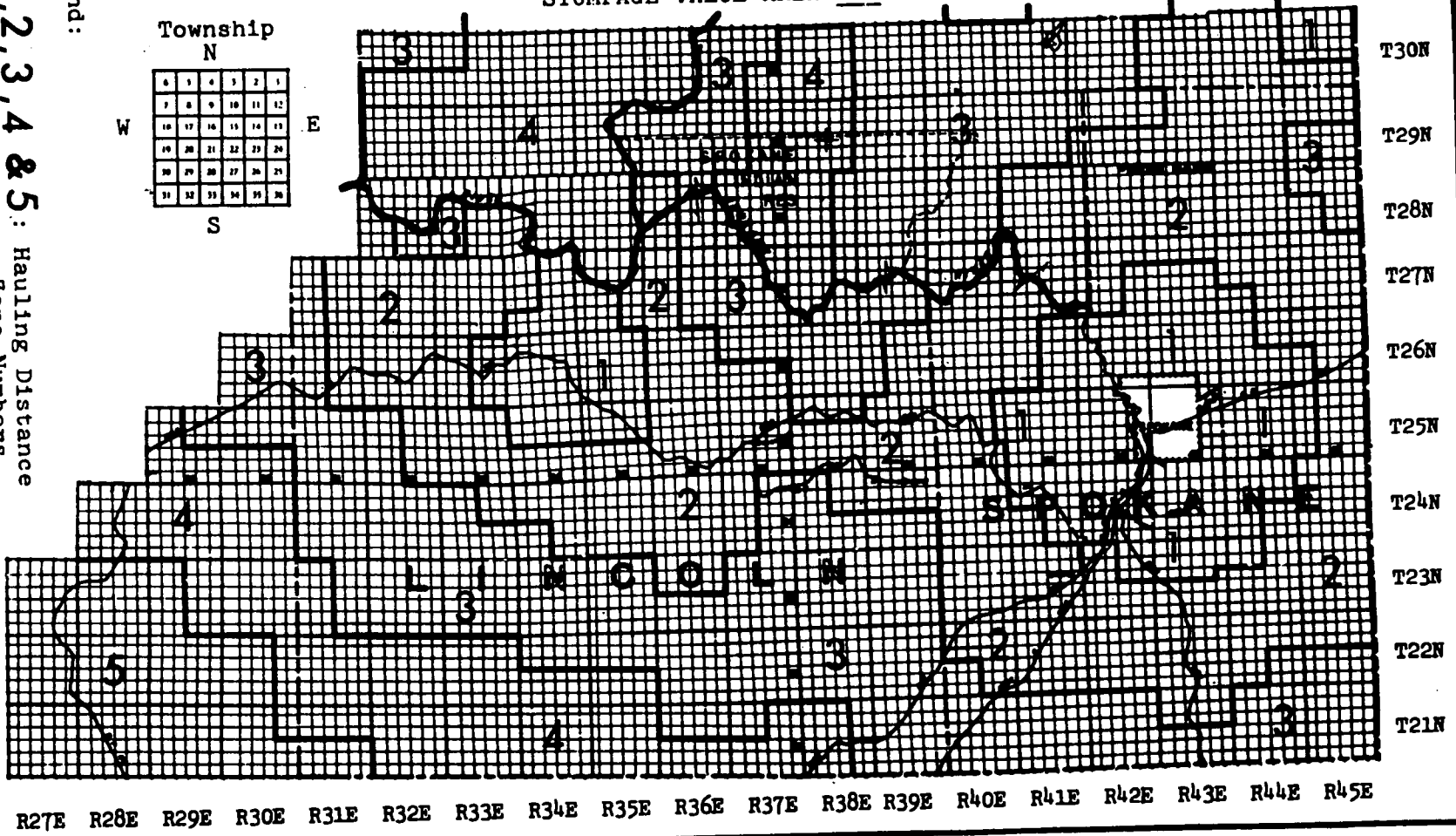
STUMPAGE VALUE AREA 8

Page 2 of 2

Legend:

1, 2, 3, 4 & 5: Hauling Distance
 Zone Numbers

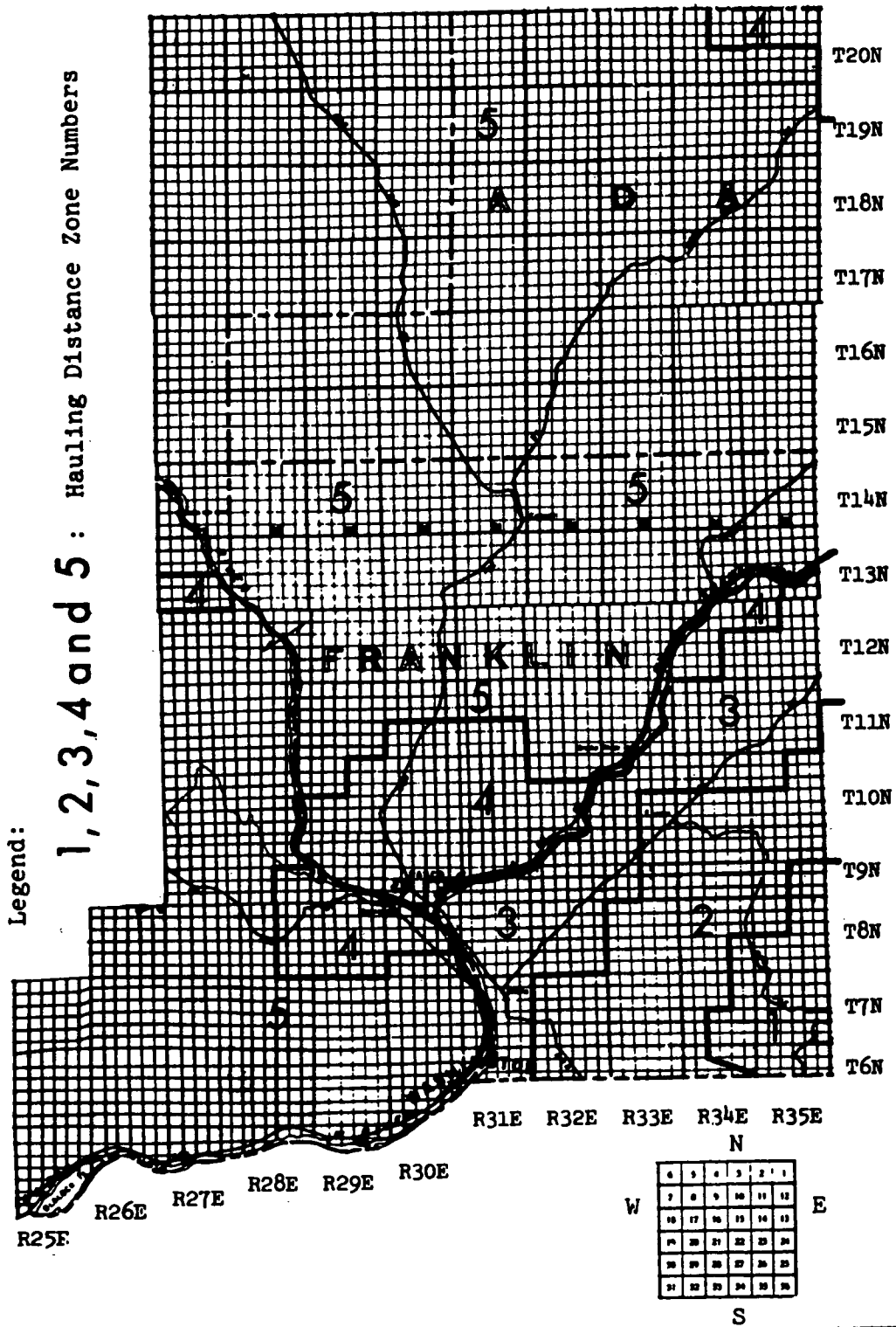
Township											
N											
1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
S											
E											
W											



HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

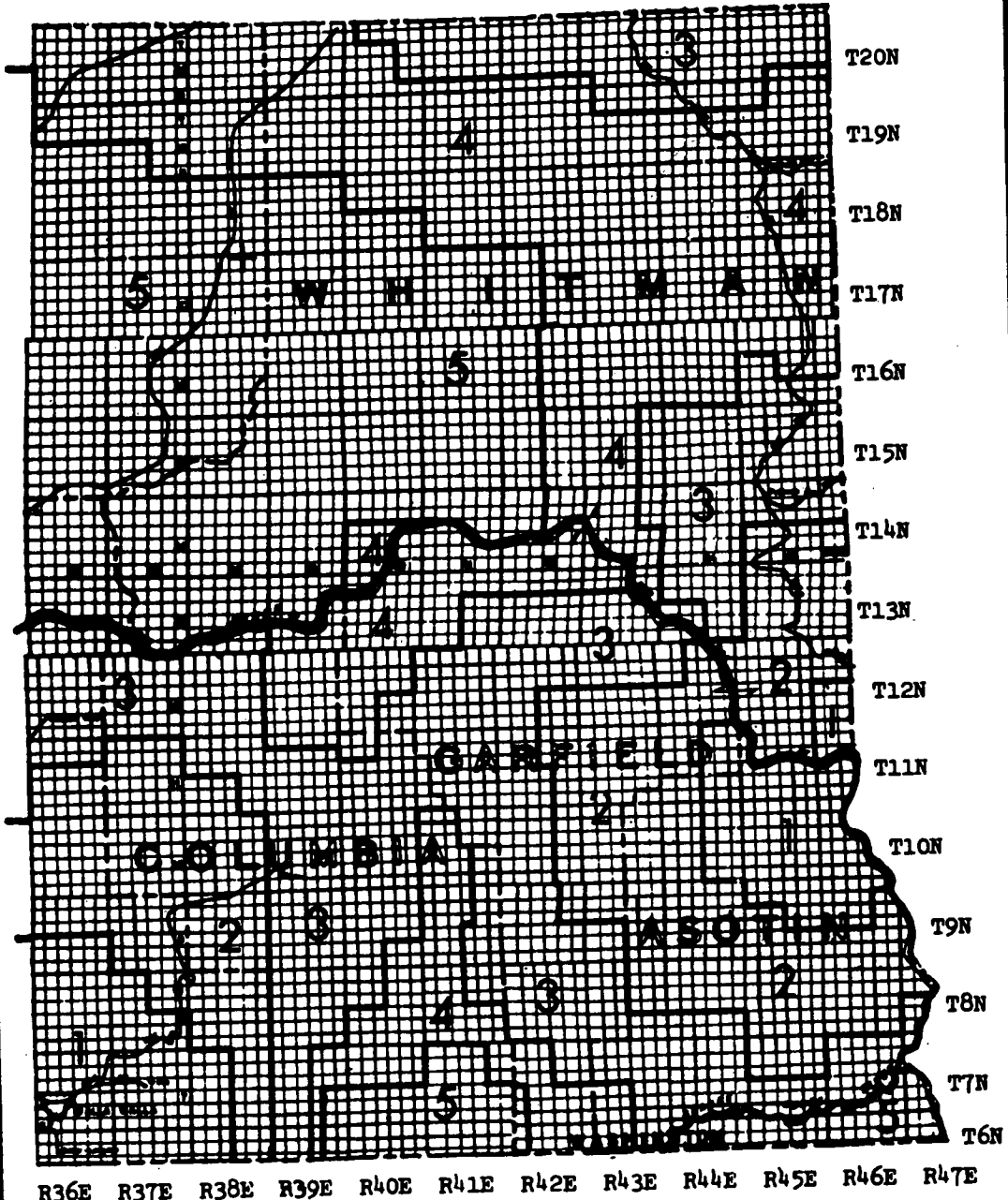
STUMPAGE VALUE AREA 9

Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 9



Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

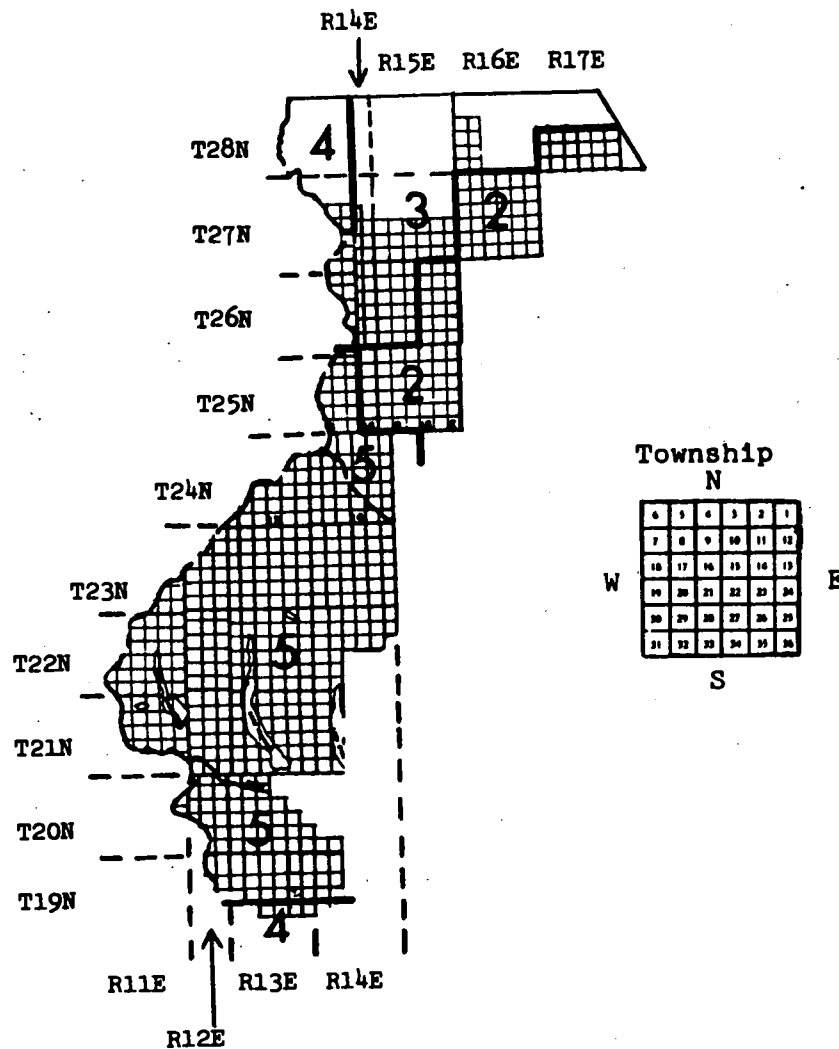
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	32	33
34	35	36	37	38	39	40

S

HAULING DISTANCE ZONE MAP FOR 7/1/78 THROUGH 12/31/78
(WAC 458-40-18621)

STUMPAGE VALUE AREA 10

Page 1 of 1



Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

NEW SECTION

WAC 458-40-18622 **TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/78 THROUGH 12/31/78.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 82.04.291(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18623 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978:

TABLE 1—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5 (for 7/1/78 through 12/31/78) OLD GROWTH FINAL HARVEST (100 years of age and older)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 50% No. 3 Peeler & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	10-20% inclusive No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade

TABLE 1—CONT.

Timber Quality Code Number	Species	Log Grade Specifications ¹
3	Douglas Fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 10% No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
4	Western Hemlock, White Fir & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas Fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 2—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5 (for 7/1/78 through 12/31/78) YOUNG GROWTH FINAL HARVEST (Under 100 years of age and not including thinning)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 70% No. 2. Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades

TABLE 2—CONT.

Timber Quality Code Number	Species	Log Grade Specifications ¹
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer, except Western Red Cedar & Alaska yellow cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 3—TIMBER QUALITY CODE TABLE
STUMPAGE VALUES AREAS 1, 2, 3, 4, AND 5
(for 7/1/78 through 12/31/78)
THINNING
See definition WAC 458-40-18619(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas Fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades

TABLE 3—CONT.

Timber Quality Code Number	Species	Log Grade Specifications ¹
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4 and 5 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas Fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
TOTAL	150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the

Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas Fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas Fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas Fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas Fir	2	150 MBF

TABLE 4—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 6, 7, 8, AND 9 (for 7/1/78 through 12/31/78) MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	Other Conifers	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Areas 6,7,8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing

1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

TABLE 5—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREA 10 (for 7/1/78 through 12/31/78) MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18623 STUMPAGE VALUES—
TABLES FOR 7/1/78 THROUGH 12/31/78. As required by RCW 82.04.291 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
 (for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$206	\$202	\$198	\$194	\$190
		2	203	199	195	191	187
		3	199	195	191	187	183
		4	161	157	153	149	145
Western Hemlock ¹	WH	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102
True Fir ²	TF	1	152	148	144	140	136
		2	128	124	120	116	112
		3	118	114	110	106	102

TABLE 1—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar ³	RC	1	311	307	303	299	295
		2	287	283	279	275	271
		3	150	146	142	138	134
Sitka Spruce	SS	1	200	196	192	188	184
		2	151	147	143	139	135
		3	111	107	103	99	95
Other Conifer	OC	1	152	148	144	140	136
		2	128	124	120	116	112
		3	111	107	103	99	95
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

³Includes Alaska Yellow Cedar.

TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
 (for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$195	\$189	\$183	\$177	\$171
		2	173	167	161	155	149
		3	138	132	126	120	114
		4	73	67	61	55	49
Western Hemlock ¹	WH	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
True Fir ²	TF	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
Western Red Cedar ³	RC	1	224	218	212	206	200
		2	171	165	159	153	147
		3	154	148	142	136	130
Other Conifer	OC	1	170	164	158	152	146
		2	136	130	124	118	112
		3	102	96	90	84	78
		4	58	52	46	40	34
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 2—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 3—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 1
 (for 7/1/78 through 12/31/78)
 THINNING
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$177	\$171	\$165	\$159	\$153
		2	155	149	143	137	131
		3	120	114	108	102	96
		4	55	49	43	37	31
Western Hemlock ¹	WH	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
True Fir ²	TF	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
Other Conifer	OC	1	152	146	140	134	128
		2	118	112	106	100	94
		3	84	78	72	66	60
		4	40	34	28	22	16
Red Alder	RA	1	31	25	19	13	7
Cottonwood	BC	1	22	16	10	4	1
Other Hardwoods	OH	1	24	18	12	6	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 4—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 1
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards ¹	RCS	1	\$231	\$227	\$223	\$219	\$215
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	82	78	74	70	66
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage Value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
 OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$233	\$229	\$225	\$221	\$217
		2	221	217	213	209	205
		3	215	211	207	203	199
		4	129	125	121	117	113
Western Hemlock ¹	WH	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
True Fir ²	TF	1	137	133	129	125	121
		2	136	132	128	124	120
		3	117	113	109	105	101
Western Red Cedar ³	RC	1	257	253	249	245	241
		2	247	243	239	235	231
		3	233	229	225	221	217
Sitka Spruce	SS	1	189	185	181	177	173
		2	149	145	141	137	133
		3	113	109	105	101	97
Other Conifer	OC	1	137	133	129	125	121
		2	136	132	128	124	120
		3	113	109	105	101	97
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 5—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 6—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
 YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$203	\$197	\$191	\$185	\$179
		2	182	176	170	164	158
		3	141	135	129	123	117
		4	80	74	68	62	56
Western Hemlock ¹	WH	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
True Fir ²	TF	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	193	187	181	175	169
		3	148	142	136	130	124
Other Conifer	OC	1	146	140	134	128	122
		2	142	136	130	124	118
		3	102	96	90	84	78
		4	67	61	55	49	43
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 7—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
 THINNING
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$185	\$179	\$173	\$167	\$161
		2	164	158	152	146	140
		3	123	117	111	105	99
		4	62	56	50	44	38
Western Hemlock ¹	WH	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
True Fir ²	TF	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
Other Conifer	OC	1	128	122	116	110	104
		2	124	118	112	106	100
		3	84	78	72	66	60
		4	49	43	37	31	25
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	34	28	22	16	10
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 8—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 2
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards ¹	RCS	1	\$237	\$233	\$229	\$225	\$221
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	84	80	76	72	68
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage Value per lineal foot.

TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 (for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$218	\$214	\$210	\$206	\$202
		2	177	173	169	165	161
		3	175	171	167	163	159
		4	144	140	136	132	128
Western Hemlock ¹	WH	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
True Fir ²	TF	1	178	174	170	166	162
		2	149	145	141	137	133
		3	148	144	140	136	132
Western Red Cedar	RC	1	293	289	285	281	277
		2	278	274	270	266	262
		3	127	123	119	115	111
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 (for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$196	\$190	\$184	\$178	\$172
		2	182	176	170	164	158
		3	137	131	125	119	113
		4	76	70	64	58	52
Western Hemlock ¹	WH	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49

TABLE 10—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ²	TF	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	169	163	157	151	145
		3	137	131	125	119	113
Other Conifer	OC	1	175	169	163	157	151
		2	145	139	133	127	121
		3	115	109	103	97	91
		4	73	67	61	55	49
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 (for 7/1/78 through 12/31/78)
THINNING
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$178	\$172	\$166	\$160	\$154
		2	164	158	152	146	140
		3	119	113	107	101	95
		4	58	52	46	40	34
Western Hemlock ¹	WH	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
True Fir ²	TF	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
Other Conifer	OC	1	157	151	145	139	133
		2	127	121	115	109	103
		3	97	91	85	79	73
		4	55	49	43	37	31
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 11—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards	RCS	1	\$290	\$286	\$282	\$278	\$274
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	102	98	94	90	86
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.

²Stumpage Value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$211	\$207	\$203	\$199	\$195
		2	206	202	198	194	190
		3	190	186	182	178	174
		4	179	175	171	167	163
Western Hemlock ¹	WH	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
True Fir ²	TF	1	223	219	215	211	207
		2	128	124	120	116	112
		3	120	116	112	108	104
Western Red Cedar	RC	1	172	168	164	160	156
		2	169	165	161	157	153
		3	146	142	138	134	130

TABLE 13—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Alaska Yellow Cedar	YC	1	302	298	294	290	286
		2	223	219	215	211	207
		3	181	177	173	169	165
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	94	90	86	82	78
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$204	\$198	\$192	\$186	\$180
		2	187	181	175	169	163
		3	144	138	132	126	120
		4	82	76	70	64	58
Western Hemlock ¹	WH	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
True Fir ²	TF	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	93	87	81	75	69
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	172	166	160	154	148
		3	170	164	158	152	146
Other Conifer	OC	1	166	160	154	148	142
		2	146	140	134	128	122
		3	113	107	101	95	89
		4	82	76	70	64	58
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14

TABLE 14—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 15—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 4
 (for 7/1/78 through 12/31/78)
 THINNING
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$186	\$180	\$174	\$168	\$162
		2	169	163	157	151	145
		3	126	120	114	108	102
		4	64	58	52	46	40
Western Hemlock ¹	WH	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
True Fir ²	TF	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	75	69	63	57	51
Other Conifer	OC	1	148	142	136	130	124
		2	128	122	116	110	104
		3	95	89	83	77	71
		4	64	58	52	46	40
Red Alder	RA	1	39	33	27	21	15
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	43	37	31	25	19
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 16—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 4
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards ¹	RCS	1	\$278	\$274	\$270	\$266	\$262
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	98	94	90	86	82
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 OLD GROWTH FINAL HARVEST
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$260	\$256	\$252	\$248	\$244
		2	251	247	243	239	235
		3	213	209	205	201	197
		4	163	159	155	151	147
Western Hemlock ¹	WH	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
True Fir ²	TF	1	188	184	180	176	172
		2	148	144	140	136	132
		3	109	105	101	97	93
Western Red Cedar ³	RC	1	239	235	231	227	223
		2	213	209	205	201	197
		3	189	185	181	177	173
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Noble Fir	NF	1	250	246	242	238	234
		2	139	135	131	127	123
		3	116	112	108	104	100
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	91	87	83	79	75
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27

TABLE 17—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 18—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 YOUNG GROWTH FINAL HARVEST
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$223	\$217	\$211	\$205	\$199
		2	187	181	175	169	163
		3	141	135	129	123	117
		4	80	74	68	62	56
Western Hemlock ¹	WH	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
True Fir ²	TF	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	83	77	71	65	59
Western Red Cedar ³	RC	1	210	204	198	192	186
		2	157	151	145	139	133
		3	141	135	129	123	117
Other Conifer	OC	1	158	152	146	140	134
		2	145	139	133	127	121
		3	124	118	112	106	100
		4	80	74	68	62	56
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.
³Includes Alaska Yellow Cedar.

TABLE 19—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 THINNING
 See definition WAC 458-40-18619(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$205	\$199	\$193	\$187	\$181
		2	169	163	157	151	145
		3	123	117	111	105	99
		4	62	56	50	44	38
Western Hemlock ¹	WH	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
True Fir ²	TF	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	65	59	53	47	41
Other Conifer	OC	1	140	134	128	122	116
		2	127	121	115	109	103
		3	106	100	94	88	82
		4	62	56	50	44	38
Red Alder	RA	1	38	32	26	20	14
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 20—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 5
 (for 7/1/78 through 12/31/78)
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards ¹	RCS	1	\$280	\$276	\$272	\$268	\$264
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	99	95	91	87	83
Western Red Cedar & Other Posts ²	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees ³	DFX	1	0.13	0.13	0.13	0.13	0.13
True fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 21—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 6
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 23—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 22—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 6
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF net Scribner scale.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

**TABLE 24—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF net Scribner scale.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

**TABLE 25—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 8
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	9	9	9	9	9

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 27—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 9
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$119	\$115	\$111	\$107	\$103
		2	92	88	84	80	76
Douglas Fir	DF	1	91	87	83	79	75
Western Larch	WL	1	91	87	83	79	75
Western Hemlock ¹	WH	1	82	78	74	70	66
True Fir ²	TF	1	82	78	74	70	66
Engelmann Spruce	ES	1	77	73	69	65	61
White Pine	WP	1	154	150	146	142	138
Western Red Cedar	RC	1	75	71	67	63	59
Lodgepole Pine	LP	1	57	53	49	45	41
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	9	9	9	9	9

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 26—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 8
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

**TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 9
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

**TABLE 29—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

60 **NEW SECTION**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$138	\$134	\$130	\$126	\$122
		2	123	119	115	111	107
		3	109	105	101	97	93
Douglas Fir	DF	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Larch	WL	1	171	167	163	159	155
		2	128	124	120	116	112
		3	79	75	71	67	63
Western Hemlock ¹	WH	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
True Fir ²	TF	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Other Conifer	OC	1	111	107	103	99	95
		2	102	98	94	90	86
		3	93	89	85	81	77
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	12	12	12	12	12

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 30—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
(for 7/1/78 through 12/31/78)
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	\$80	\$76	\$74	\$70	\$66
Western Larch Flatsawn Blocks ¹	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts ²	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees ⁴	DFX	1	0.13	0.13	0.13	0.13	0.13

¹Stumpage value per MBF Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

WAC 458-40-18624 HARVESTER ADJUSTMENTS—TABLES FOR 7/1/78 THROUGH 12/31/78. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 82.04.291(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18623.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".
- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small harvest adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1978 through December 31, 1978.

**TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
OLD GROWTH FINAL HARVEST
(100 years and older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00

TABLE 1—CONT.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 3	Harvest of less than 15 thousand board feet per acre.	- \$7.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$12.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
YOUNG GROWTH FINAL HARVEST
(under 100 years old)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	- \$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$6.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$4.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0

TABLE 2—CONT.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4 AND 5
(for 7/1/78 through 12/31/78)
THINNING
(Removal of less than 40% of the
merchantable volume under 100 years old)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	- \$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	- \$5.00
II. Logging Conditions		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	- \$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
(for 7/1/78 through 12/31/78)
MERCHANTABLE SAWTIMBER, ALL AGES**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale		
I. Volume Per Acre				
Class 1	Harvest of more than 8 thousand board feet per acre.	0		
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00		
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00		
II. Logging Conditions				
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$6.00		
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0		
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$13.00		
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00		

**TABLE 5—SMALL HARVEST ADJUSTMENT
TABLE
ALL STUMPAGE VALUE AREAS
(for 7/1/78 through 12/31/78)**

A small harvest adjustment is allowed where the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) in a given quarter is within the volume classes shown below. A harvester may report and claim this adjustment on no more than 250 MBF of harvest each reporting quarter.

Small Harvest Class	Net Volume Harvested Per Quarter	Dollar Adjustment Per Thousand Board Feet
Class 1	0 - 125 MBF	-\$20.00
Class 2	126 - 250 MBF	-\$15.00

shall use the following timber pole volume table to determine the Scribner board foot volume and timber quality code number for each pole length and class.

			Timber Quality Code Number by Species and by Harvest Type				
			Douglas Fir		Western Red Cedar		
Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth	Thinning	Young Growth	Thinning	
			Final Harvest Type	Harvest Type	Final Harvest Type	Harvest Type	
20'		1	50	4	4	3	4
		2	50	4	4	3	4
		3	40	4	4	3	4
		4	40	4	4	3	4
		5	30	4	4	3	4
		6	30	4	4	3	4
		7	20	4	4	3	4
		9	20	4	4	3	4
		10	20	4	4	3	4
		1	60	4	4	3	4
2	60	4	4	3	4		
25'		3	50	4	4	3	4
		4	50	4	4	3	4
		5	40	4	4	3	4
		6	40	4	4	3	4
		7	30	4	4	3	4
		9	30	4	4	3	4
		10	30	4	4	3	4
		1	110	4	4	3	4
		2	70	4	4	3	4
		3	60	4	4	3	4
30'		4	60	4	4	3	4
		5	50	4	4	3	4
		6	50	4	4	3	4
		7	40	4	4	3	4
		9	40	4	4	3	4
		H2	160	4	4	3	4
		H2	160	4	4	3	4
		1	130	4	4	3	4
		2	100	4	4	3	4
		3	80	4	4	3	4
35'		4	80	4	4	3	4
		5	60	4	4	3	4
		6	60	4	4	3	4
		7	50	4	4	3	4
		H4	240(240)	1	1	3	4
		H3	200(200)	1	1	3	4
		H2	180	4	4	3	4
		H1	180	4	4	3	4
		1	150	4	4	3	4
		2	120	4	4	3	4
40'		3	120	4	4	3	4
		4	90	4	4	3	4
		5	70	4	4	3	4
		6	60	4	4	3	4
		H6	380(380)	1	1	3	4
		H5	340(340)	1	1	3	4
		H4	340(340)	1	1	3	4
		H3	280(270)	1	1	3	4
		H2	230(130)	2	((+)) <u>2</u>	3	4
		H1	230(130)	2	((+)) <u>2</u>	3	4
45'		1	190(110)	2	((+)) <u>2</u>	3	4
		2	150	4	4	3	4
		3	120	4	4	3	4
		4	120	4	4	3	4
		5	90	4	4	3	4
		6	90	4	4	3	4

AMENDATORY SECTION (Amending Order 77-2, filed 6/29/77)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT. Harvesters of poles in stumpage value areas 1, 2, 3, 4 and 5

		Timber Quality Code Number by Species and by Harvest Type					Timber Quality Code Number by Species and by Harvest Type								
		Douglas Fir			Western Red Cedar		Douglas Fir			Western Red Cedar					
Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type	Pole Length	Pole Class ¹	Total Pole Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type		
50'	H6	430(430)	1	1	3	4	80'	H6	820(820)	1	1	3	4		
	H5	370(370)	1	1	3	4		H5	700(700)	1	1	3	4		
	H4	370(370)	1	1	3	4		H4	700(700)	1	1	3	4		
	H3	300(300)	1	1	3	4		H3	600(600)	1	1	3	4		
	H2	260(260)	1	1	3	4		H2	600(600)	1	1	3	4		
	H1	260(150)	2	((+)) ₂	3	4		H1	540(360)	2	((+)) ₂	3	4		
	1	210(120)	2	((+)) ₂	3	4		1	440(290)	2	((+)) ₂	3	4		
	2	160	4	4	3	4		2	360(240)	2	((+)) ₂	3	4		
	3	140	4	4	3	4		3	290(200)	2	((+)) ₂	3	4		
	4	140	4	4	3	4		85'	H6	910(910)	1	1	3	4	
	5	100	4	4	3	4			H5	800(800)	1	1	3	4	
	55'	H6	470(470)	1	1	3			4	H4	800(800)	1	1	3	4
		H5	410(410)	1	1	3			4	H3	660(660)	1	1	3	4
		H4	410(410)	1	1	3			4	H2	660(660)	1	1	3	4
		H3	330(330)	1	1	3			4	H1	660(520)	1	1	3	4
H2		280(160)	2	((+)) ₂	3	4	1		570(450)	1	1	3	4		
H1		280(160)	2	((+)) ₂	3	4	2		490(340)	2	((+)) ₂	3	4		
1		230(130)	2	((+)) ₂	3	4	3		360(200)	2	((+)) ₂	3	4		
2		180	4	4	3	4	90'		H6	1080(1080)	1	1	1	2	
3		150	4	4	3	4			H5	930(930)	1	1	3	4	
4		150	4	4	3	4			H4	930(930)	1	1	3	4	
60'		H6	540(540)	1	1	3			4	H3	820(820)	1	1	3	4
		H5	470(470)	1	1	3			4	H2	820(820)	1	1	3	4
		H4	470(470)	1	1	3			4	H1	690(560)	1	1	3	4
		H3	410(410)	1	1	3		4	1	590(480)	1	1	3	4	
		H2	340(210)	2	((+)) ₂	3		4	2	490(420)	1	1	3	4	
	H1	340(210)	2	((+)) ₂	3	4		3	400(210)	2	((+)) ₂	3	4		
	1	290(180)	2	((+)) ₂	3	4		95'	H6	1170(1170)	1	1	1	2	
	2	220(150)	2	((+)) ₂	3	4			H5	1000(1000)	1	1	3	4	
	3	190	4	4	3	4			H4	1000(1000)	1	1	3	4	
	4	190	4	4	3	4			H3	870(870)	1	1	3	4	
	65'	H6	610(610)	1	1	3			4	H2	870(870)	1	1	3	4
		H5	520(520)	1	1	3			4	H1	750(600)	1	1	3	4
		H4	520(520)	1	1	3	4		1	640(510)	1	1	3	4	
		H3	420(420)	1	1	3	4		2	540(440)	1	1	3	4	
		H2	380(230)	2	((+)) ₂	3	4		100'	H6	1190(1190)	1	1	1	2
H1		380(230)	2	((+)) ₂	3	4	H5			1030(1030)	1	1	3	4	
1		320(190)	2	((+)) ₂	3	4	H4			1030(1030)	1	1	3	4	
2		260(160)	2	((+)) ₂	3	4	H3			900(900)	1	1	3	4	
3		210	4	4	3	4	H2			900(900)	1	1	3	4	
4		210	4	4	3	4	H1			760(610)	1	1	3	4	
70'		H6	650(650)	1	1	3	4			1	660(530)	1	1	3	4
		H5	560(560)	1	1	3	4	2		550(450)	1	1	3	4	
		H4	560(560)	1	1	3	4	105'		H6	1310(1310)	1	1	1	1
		H3	480(480)	1	1	3	4			H5	1160(1160)	1	1	1	1
		H2	400(240)	2	((+)) ₂	3	4			H4	1160(1160)	1	1	1	1
	H1	400(240)	2	((+)) ₂	3	4	H3			1000(1000)	1	1	3	4	
	1	350(210)	2	((+)) ₂	3	4	H2			1000(1000)	1	1	3	4	
	2	270(170)	2	((+)) ₂	3	4	H1			860(700)	1	1	3	4	
	3	230	4	4	3	4	1			740(600)	1	1	3	4	
	4	230	4	4	3	4	2		610(510)	1	1	3	4		
	75'	H6	700(700)	1	1	3	4		110'	H6	1370(1370)	1	1	1	1
		H5	600(600)	1	1	3	4			H5	1220(1220)	1	1	1	1
		H4	600(600)	1	1	3	4			H4	1220(1220)	1	1	1	1
		H3	520(520)	1	1	3	4			H3	1050(1050)	1	1	3	4
		H2	520(520)	1	((+)) ₂	3	4			H2	1050(1050)	1	1	3	4
H1		520(330)	2	((+)) ₂	3	4	H1			910(740)	1	1	3	4	
1		440(270)	2	((+)) ₂	3	4	1			780(640)	1	1	3	4	
2		290(180)	2	((+)) ₂	3	4	2	650(540)		1	1	3	4		
3		250	4	4	3	4									

Pole Length	Pole Class ¹	Total Pole Volume ²	Timber Quality Code Number by Species and by Harvest Type				Timber Quality Code Number by Species and by Harvest Type				
			Douglas Fir		Western Red Cedar		Total Scribner Board Foot Volume ²	Young Growth Final Harvest Type	Thinning Harvest Type		
			Young Growth Final Harvest Type	Thinning Harvest Type	Young Growth Final Harvest Type	Thinning Harvest Type					
	H6	1440(1440)	1	1	1	1	20'	A	80	4	4
	H5	1280(1280)	1	1	1	1		B	70	4	4
115'	H4	1280(1280)	1	1	1	1	25'	A	100	4	4
	H3	1100(1100)	1	1	3	4		B	90	4	4
	H2	1100(1100)	1	1	3	4	30'	A	130	4	4
	H1	960(780)	1	1	3	4		B	110	4	4
	1	860(670)	1	1	3	4	35'	A	130	4	4
	2	680(570)	1	1	3	4		B	110	4	4
120'	H6	1660(1660)	1	1	1	1	40'	A	150	4	4
	H5	1460(1460)	1	1	1	1		B	120	4	4
	H4	1460(1460)	1	1	1	1	45'	A	150	4	4
	H3	1300(1300)	1	1	1	1		B	120	4	4
	H2	1300(1300)	1	1	1	1	50'	A	160	4	4
	H1	1140(960)	1	1	3	4		B	140	4	4
125'	1	970(820)	1	1	3	4	55'	A	180	4	4
	2	820(700)	1	1	3	4		B	150	4	4
	H6	1840(1840)	1	1	1	1	60'	A	190	4	4
	H5	1600(1600)	1	1	1	2		B	160	4	4
	H4	1600(1600)	1	1	1	2	65'	A	210	4	4
	H3	1410(1410)	1	1	1	2		B	180	4	4
130'	H2	1410(1410)	1	1	1	2	70'	A	230	4	4
	H1	1250(1100)	1	1	3	4		B	190	4	4
	1	1080(940)	1	1	3	4	75'	A	230	4	4
	2	930(830)	1	1	3	4		B	200	4	4
	H6	1920(1920)	1	1	1	1	80'	A	250	4	4
	H5	1680(1680)	1	1	1	2		B	210	4	4
135'	H4	1680(1680)	1	1	1	2	85'	A	260(140)	2	((+)) ₂
	H3	1490(1490)	1	1	1	2		B	210	4	4
	H2	1490(1490)	1	1	1	2	90'	A	260(150)	2	((+)) ₂
	H1	1310(1160)	1	1	1	2		B	220	4	4
	1	1120(990)	1	1	3	4	95'	A	290(150)	2	((+)) ₂
	2	970(870)	1	1	3	4		B	240	4	4

¹Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American Nation Standard Institute, Inc. codified ANSI 05.1-1972.

²Long log volume calculations are based on Official Log Scaling and Grading Rules, ((reprinted 1/1/76) and Official Scribner Log Scale Tables (revised 7/1/72) and both are)) revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order 77-2, filed 6/29/77)

WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT.

Harvesters of piling in stumpage value areas of 1, 2, 3, 4 and 5 shall use the following piling table to determine the Scribner board foot volume and timber quality code number for each piling length and class.

¹Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).

²Long log volume calculations are based on Official Log Scaling and Grading Rules ((reprinted 1/1/76) and Official Scribner Log Scale Tables (revised 7/1/72) and both are)) revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume

per piling for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19002 **TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT.** Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by reference to Tables 4 and 5 of WAC (~~458-40-18616~~) 458-40-18622.

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²	
20'	1	70	
	2	60	
	3	50	
	4	50	
	5	30	
	6	30	
	7	20	
	9	20	
	10	20	
	25'	1	80
2		70	
3		50	
4		50	
5		40	
6		40	
7		30	
9		30	
10		20	
30'		1	110
	2	90	
	3	60	
	4	60	
	5	50	
	6	50	
	7	50	
	9	40	
	H2	190	
	H1	160	
35'	1	140	
	2	100	
	3	100	
	4	70	
	5	60	
	6	60	
	7	50	
	40'	H3	240
		H2	240
		H1	200
1		170	
2		120	
3		110	
4		100	
5		70	
6		70	
45'		H6	390
	H5	330	
	H4	330	
	H3	270	
	H2	270	
	H1	220	
	1	180	
	2	150	
	3	110	
	4	110	
50'	5	80	
	6	70	
	H6	460	
	H5	390	
	H4	390	
	H3	340	
	H2	340	
	H1	280	
	1	240	
	2	190	
55'	3	150	
	4	150	
	5	120	
	H6	510	
	H5	430	
	H4	430	
	H3	370	
	H2	360	
	H1	300	
	1	250	
60'	2	190	
	3	150	
	4	150	
	H6	610	
	H5	530	
	H4	530	
	H3	440	
	H2	440	
	H1	380	
	1	310	
60'	2	240	
	3	200	
	4	200	
	4	200	

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²
65'	H6	650	90'	H6	1110
	H5	570		H5	970
	H4	570		H4	970
	H3	490		H3	840
	H2	480		H2	840
	H1	410		H1	720
	1	350		1	620
	2	280		2	500
	3	220		3	420
	4	220			
70'	H6	750	95'	H6	1160
	H5	650		H5	1010
	H4	650		H4	1010
	H3	550		H3	870
	H2	560		H2	870
	H1	470		H1	740
	1	410		1	640
	2	320		2	510
	3	260			
	4	260			
75'	H6	810	100'	H6	1380
	H5	700		H5	1210
	H4	700		H4	1210
	H3	600		H3	1060
	H2	600		H2	1060
	H1	500		H1	910
	1	440		1	780
	2	340		2	650
	3	270			
80'	H6	960	105'	H6	1430
	H5	830		H5	1250
	H4	830		H4	1250
	H3	710		H3	1100
	H2	710		H2	1100
	H1	610		H1	940
	1	510		1	820
	2	420		2	690
	3	340			
85'	H6	1020	110'	H6	1580
	H5	870		H5	1390
	H4	870		H4	1390
	H3	760		H3	1220
	H2	760		H2	1220
	H1	640		H1	1070
	1	550		1	920
	2	450		2	770
	3	360			
			115'	H6	1660
				H5	1470
				H4	1470
				H3	1280
				H2	1280
				H1	970
		1	810		
		2	680		

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume ²	Piling Length	Piling Class ¹	Total Scribner Board Foot Volume per Piling Class ²	
120'	H6	1880	20'	A	90	
	H5	1680		B	70	
	H4	1680	25'	A	100	
	H3	1480		B	80	
	H2	1480	30'	A	130	
	H1	1290		B	110	
	1	1130	35'	A	140	
	2	950		B	100	
	125'	H6	1910	40'	A	140
		H5	1690		B	100
H4		1690	45'	A	150	
H3		1490		B	110	
H2		1490	50'	A	190	
H1		1140		B	150	
1		970	55'	A	190	
2		810		B	150	
130'		H6	2170	60'	A	240
		H5	1920		B	200
	H4	1920	65'	A	240	
	H3	1710		B	200	
	H2	1710	70'	A	260	
	H1	1510		B	210	
	1	1320	75'	A	270	
	2	1140		B	220	
				80'	A	220
					B	220
			85'	A	300	
				B	240	
			90'	A	280	
				B	280	
			95'	A	360	
				B	280	
			100'	A	360	
				B	280	
		105'	A	400		
			B	300		
		110'	A	460		
			B	340		
		115'	A	470		
			B	360		
		120'	A	560		
			B	450		

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19003 **TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT.** Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by reference to Tables 4 and 5 of WAC ((458-40-18616)) 458-40-18622.

¹ Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

²Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 77-5, filed 12/30/77)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR ((+1/78)) 7/1/78 THROUGH ((6/30/78)) 12/31/78. (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale.

Table No.	Conversion Method
1	Standard Cord For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
2	Shake ((Boards)) Blocks and ((Bolts)) Boards A cord consisting of Cedar shingle or shake ((bolts)) blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
3	Cants or Lumber from Portable Mills Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.
4	Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4 and 5). Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
5	Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10). Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.

Table No.	Conversion Method
6	Some standard converting factors and equivalents: <ul style="list-style-type: none"> (a) 1 standard cord equals 128 cubic feet, gross (b) 1 standard cord equals 85 cubic feet, solid wood (c) 1 standard cord equals 2.4069 cubic meters of solid wood (d) 1 cunit equals 100 cubic feet, log scale (e) 1 meter equals 39.37 inches (f) 1 cubic meter equals 35.315 cubic feet log scale (g) 1 cunit equals 2.832 cubic meters, log scale (h) 1 pound equals 0.454 kilograms (i) 1 kilogram equals 2.2046 pounds (j) 1 short ton equals 2000 pounds (k) 1 short ton equals 907.18 kilograms (l) 1 long ton equals 2240.0 pounds (m) 1 long ton equals 1016.05 kilograms (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

**WSR 78-07-066
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order FT 78-1—Filed June 30, 1978]**

I, Charles W. Hodde, director of Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 458-40-18619 Definitions for 7/1/78 through 12/31/78.
- New WAC 458-40-18620 Stumpage value areas—Map for 7/1/78 through 12/31/78.
- New WAC 458-40-18621 Hauling distance zones—Maps for 7/1/78 through 12/31/78.
- New WAC 458-40-18622 Timber quality code numbers—Tables for 7/1/78 through 12/31/78.
- New WAC 458-40-18623 Stumpage values—Tables for 7/1/78 through 12/31/78.
- New WAC 458-40-18624 Harvester adjustments—Tables for 7/1/78 through 12/31/78.
- Amd WAC 458-40-19000 Timber pole volume table west of Cascade summit.
- Amd WAC 458-40-19001 Timber piling volume table for west of Cascade summit.
- Amd WAC 458-40-19002 Timber pole volume table east of Cascade summit.

- Amd WAC 458-40-19003 Timber piling volume table for east of Cascade summit.
- Amd WAC 458-40-19004 Conversion definitions and factors for 7/1/78 through 12/31/78.

I, Charles W. Hodde, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is RCW 82.04.291 requires stumpage value for timber be shown on tables to be prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, which stumpage values shall in accordance with the policy of the Department of Revenue reflect the most recent sales from which data is available.

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

This rule is promulgated pursuant to RCW 82.04.291 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 June 30, 1978.

By Roy Demorest
Assistant Director, Forest Tax Division

Reviser's Note: The tables for determination of stumpage values, WAC 458-40-18619 through 458-40-18624 and 458-40-19000 through 458-40-19004, were adopted both as permanent and emergency rules by the Department of Revenue in Administrative Order Numbers FT 78-2 and FT 78-1, respectively. Due to the length of the rules, and the fact that they are identical in both their permanent and emergency versions, they are displayed in the Register only once, under WSR 78-07-065.

✓ **WSR 78-07-067**
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 78-45—Filed June 30, 1978]

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

This action is taken pursuant to Notice No. WSR 78-05-099 filed with the code reviser on 5/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED June 16, 1978.

By Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the in-shore end of the north Columbia River jetty in the State of Washington to the knuckle of the south Columbia River jetty in the State of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, ((to)) through lighted buoy 13 to ((the KDUX radio tower at Ocean Shores)) where it intersects with the shore at Point Brown, southerly of a line projected from ((the KDUX radio tower)) a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from ((the KDUX radio tower at)) a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly

direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected true east-west through Riddle Spit Light No. 10, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected ((+69° true)) from the Cape Shoalwater Light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater Light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank and downstream from a line projected true north across the river from a fishing boundary marker on the section line between Section 27 and 28, Township 14N, Range 9W.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly of a line projected true east-west through Riddle Spit Light No. 10, northerly of a line projected true east-west through Marker 19 between Long Island and the North Beach Peninsula, downstream and westerly of the Highway 101 Bridge over the Naselle River, westerly of a line projected from Needle Point northerly to day beacon No. 14 to Ramsey Point, and northerly of a line projected true east from a fishing boundary marker at the south entrance to Baldwin Slough on Long Island to a fishing boundary marker on the shore of Stanley Peninsula on the mainland.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(12) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island Light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(13) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-025 CLOSED AREAS. It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in or from those Washington waters at the mouth of Grays Harbor lying westerly of a straight line projected from the Point Chehalis Light located 123 feet above mean high water at Westport ((to)) through lighted buoy 13, to ((KDX radio tower at Ocean Shores)) where it intersects with the shore at Point Brown and those waters lying easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-03001 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in ((WAC 220-36-030(6) f)) WAC 220-36-03001(6)(f)).

(2) It shall be lawful to take, fish for and possess sturgeon in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and bottomfish or perch in Marine Fish-Shellfish Area 60B at any time with set line and hand line gear.

(3) It shall be lawful to retain for commercial purposes sturgeon and species of bottom fish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to take, fish for and possess herring, anchovies, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 – It shall be lawful to fish for, take and possess herring, anchovies, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length or contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 – Closed to all commercial herring, anchovy, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

WSR 78-07-068
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed June 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.08.150, that the Department of General Administration, intends to adopt, amend, or repeal rules concerning Capitol Lake and adjoining lands and roadways, chapter 236-16 WAC;

that such agency will at 9:00 a.m., Tuesday, August 8, 1978, in the conference room, Department of General Administration, 218 General Admin. Bldg., Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 8, 1978, in the conference room, Department of General Administration, 218 General Admin. Bldg., Olympia.

The authority under which these rules are proposed is RCW 34.04.020 and 46.08.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 8, 1978, and/or orally at 9:00 a.m., Tuesday, August 8, 1978, conference room, Department of General Administration, 218 General Admin. Bldg., Olympia, WA 98504.

Dated: June 30, 1978
By: Vernon L. Barnes
Director

Chapter 236-16 WAC
CAPITOL LAKE & ADJOINING LANDS AND ROADWAYS

AMENDATORY SECTION (Amending Section 1, filed 4/15/65.)

WAC 236-16-010 DEFINITIONS. For the purpose of these rules:

(1) "Boat" shall include any vehicle or device capable of being operated in the water;

(2) "Motorboat" shall include any vehicle, device, or boat which is in itself a self-propelled unit and whether or not machinery is the principal source of propulsion;

(3) "Operate" shall mean to navigate or otherwise use a boat or motorboat.

(4) "Public transportation vehicles" shall include any motor vehicle operated by the state, county, city, or other public agency.

AMENDATORY SECTION (Amending section 6, filed 4/15/65.)

WAC 236-16-060 USE OF ROADWAYS. All busses, trucks, cargo trailers and similar equipment which exceeds a five ton load limit and similar heavy duty vehicles are prohibited from traveling on the West Parkway Road and other roadways posted for restrictive use. This provision shall not apply to public transportation vehicles.

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

WSR 78-07-069
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1311--Filed June 30, 1978]

I, Gerald E. Thomas, Acting Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the one-time grant—Authorization—Disbursement, amending WAC 388-33-595.

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 rule amendments are necessary to comply with a court decision in the case of Fabre vs. DSHS.

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 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 June 29, 1978.

By Thomas G. Pinnock
Acting Secretary

AMENDATORY SECTION (Amending Order 1176, filed 12/23/76)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—(~~COMPUTATION~~) DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only. ~~((The category of assistance (federal aid or continuing general assistance) shall be determined by the person's eligibility during the period for which the one-time grant is authorized.))~~

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed ~~((for one month only. Additional requirements are limited to those items listed in WAC 388-28-150 through 388-28-251)).~~

(ii) Income or assistance budgeted as available to the assistance unit or family is not received ~~((for one month only. The payment shall be the difference between the grant received and the grant which should have been received. If budgeted income will not be available for two or more months, a change in regular grant shall be authorized)).~~

~~((iii)) ((Deleted.))~~

~~((iv))~~ Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant. ~~((The amount of the payment shall be deducted from the regular, adjusting or reinstated grant. See WAC 388-33-630(1)(a).))~~

~~((v))~~ ~~((iv))~~ The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant. ~~((The one-time grant covers the period from the effective date specified in the decision to the first of the month in which a regular warrant can be paid on a regular warrant roll. The minimum grant rule does not apply in this instance.~~

~~((vi)) Deleted.))~~

~~((vii))~~ ~~((v))~~ A recipient is to be compensated for an underpayment due to erroneous monthly deduction(s) ~~((established according to WAC 388-44-145. See also WAC 388-33-190(3)).~~

~~((viii))~~ ~~((vi))~~ Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

~~((ix))~~ ~~((vii))~~ A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant occurs.

~~((x))~~ ~~((viii))~~ A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

~~((xi)) Deleted.))~~ ~~((ix))~~ A change in the basic requirements which results in an increase in the regular grant.

~~((xii))~~ ~~((x))~~ Assistance is being continued in compliance with the 10-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

~~((xiii))~~ ~~((xi))~~ Underpayment due to the departmental error is to be corrected. Such payment shall be limited to the amount due for not to exceed twelve months including the month in which the corrective payment is authorized.

~~((d))~~ Except as provided in items (2)(c)~~((v))~~~~((iv))~~, (2)(c)~~((vii))~~~~((v))~~, and (2)(c)~~((xiii))~~~~((xi))~~, a retroactive one-time grant shall not cover a period of more than ~~((60))~~ sixty days before the date of authorization.

~~((e))~~ The effective date of a one-time grant shall be the authorization date.

WSR 78-07-070
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 30, 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 reservation of water for irrigation use from the John Day/McNary Pools reach of the Columbia River; creating chapter 173-531 WAC—Water Resource Program For The John Day-McNary Pools Reach Of The Columbia River, WRIA 31 and parts of WRIAS 32, 33, 36 and 37;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, August 8, 1978, in the Hearings Room, Department of Ecology, Lacey, WA.

The authority under which these rules are proposed is chapter 90.54 RCW, chapters 173-500 and 173-590 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 31, 1978.

This notice is connected to and continues the matter noticed in Notice Nos. 7868, WSR 78-02-042 and WSR 78-05-066 filed with the code reviser's office on 11/14/77, 1/17/78 and 4/27/78.

Dated: June 29, 1978
By: Wilbur G. Hallauer
Director

WSR 78-07-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 30, 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 the one-time grant—Authorization—Disbursement, amending WAC 388-33-595.

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

Gerald E. Thomas
Acting Secretary
Department of Social and Health Services
Mail Stop OB-44
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, August 9, 1978, in the Auditorium, State Office Bldg #2, 12th and 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, August 16, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and 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 August 9, 1978, and/or orally at 10:00 a.m., Wednesday, August 9, 1978, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: June 30, 1978
 By: Thomas G. Pinnock
 Acting Secretary

AMENDATORY SECTION (Amending Order 1176, filed 12/23/76)

~~WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—((COMPUTATION—)) DISBURSEMENT.~~ (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only. ~~((The category of assistance (federal aid or continuing general assistance) shall be determined by the person's eligibility during the period for which the one-time grant is authorized:))~~

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed ~~((for one month only. Additional requirements are limited to those items listed in WAC 388-28-150 through 388-28-251)).~~

(ii) Income or assistance budgeted as available to the assistance unit or family is not received ~~((for one month only. The payment shall be the difference between the grant received and the grant which should have been received. If budgeted income will not be available for two or more months, a change in regular grant shall be authorized)).~~

(iii) ~~((Deleted:))~~

~~((iv))~~ Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant. ~~((The amount of the payment shall be deducted from the regular, adjusting or reinstated grant. See WAC 388-33-630(1)(a:))~~

~~((v))~~ (iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant. ~~((The one-time grant covers the period from the effective date specified in the decision to the first of the month in which a regular warrant can be paid on a regular warrant roll. The minimum grant rule does not apply in this instance.~~

~~((vi) Deleted:))~~

~~((vii))~~ (v) A recipient is to be compensated for an underpayment due to erroneous monthly deduction(s) ~~((established according to WAC 388-44-145. See also WAC 388-33-190(3)).~~

~~((viii))~~ (vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

~~((ix))~~ (vii) A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant occurs.

~~((x))~~ (viii) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

~~((xi) Deleted:))~~ (ix) A change in the basic requirements which results in an increase in the regular grant.

~~((xii))~~ (x) Assistance is being continued in compliance with the 10-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

~~((xiii))~~ (xi) Underpayment due to the departmental error is to be corrected. Such payment shall be limited to the amount due for not to exceed twelve months including the month in which the corrective payment is authorized.

(d) Except as provided in items (2)(c)~~((v))~~(iv), (2)(c)~~((vii))~~(v), and (2)(c)~~((xiii))~~(xi), a retroactive one-time grant shall not cover a period of more than ~~((60))~~ sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the authorization date.

WSR 78-07-072

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 69—Filed June 30, 1978—Eff. August 1, 1978]

Be it resolved by the Higher Education Personnel Board, acting at Walla Walla Community College, Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to election and certification of exclusive representative, amending WAC 251-14-040.

This action is taken pursuant to Notice Nos. WSR 78-03-098, 78-05-059 and 78-06-067 filed with the code reviser on 3/1/78, 4/27/78 and 5/25/78. Such rules shall take effect at a later date, such date being August 1, 1978.

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 June 16, 1978.

By Douglas E. Sayan
 Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-040 ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1)

The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period: PROVIDED, HOWEVER, That unless another employee organization shows proof of at least thirty percent representation, such an election shall be limited to the issue as to whether or not the employees desire certification of the petitioning employee organization as exclusive representative.

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the election, shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that he/she does not desire to be represented by an exclusive representative. All employees on the active payroll and employed within the bargaining unit at the time of election are eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(4) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(5) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit.

(6) When an employee organization has been certified as the exclusive representative of the employees in a

bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(7) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election.

WSR 78-07-073

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL-289—Filed June 30, 1978]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to supervision of registered apprentice dispensing opticians, amending WAC 308-26-005, new WAC 308-26-011.

This action is taken pursuant to Notice No. WSR 78-07-033 filed with the code reviser on 6/22/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.040 as it applies to WAC 308-26-005 and 308-26-011 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 June 29, 1978.

By R. Y. Woodhouse
Director

AMENDATORY SECTION (Order PL-106, filed 2/2/71)

WAC 308-26-005 DEFINITIONS. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070(5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician. In those situations where the apprentice or the supervisor rotates within the same eye care organization or business operation, the provisions of WAC 308-26-010(2) [as amended February 23, 1976] will apply.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) inspect a substantial portion of the apprentice's work;

(b) by physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor and the apprentice to be shown upon request made by the state; and

(c) except that in the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

PROVIDED, HOWEVER, That if the supervisor is absent for extended periods of time, the apprentice shall be supervised by another licensed physician, optometrist, or dispensing optician, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-26-011 COMMENTS. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

WSR 78-07-074

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1580—Filed June 30, 1978]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of fees for the chemical analysis and physical grading of hops, WAC 16-218-010, 16-218-020, 16-218-002, 16-216-001 and 16-216-010.

This action is taken pursuant to Notice No. WSR 78-05-081 filed with the code reviser on 5/1/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED June 30, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1372, filed 7-5-74)

WAC 16-218-010 ((FEES)) SCHEDULE OF FEES FOR PHYSICAL GRADING. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the ((grain division, consumer and marketing service)) Federal Grain Inspection Service of the United States department of agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) Lot inspection. ((Fifty)) Sixty cents per bale in each lot, minimum charge shall be ((ten)) fifteen dollars.

(2) Sample inspection. ((Ten)) Fifteen dollars per unofficial sample submitted.

(3) Supplemental certificates. Two dollars per certificate.

(4) ((Review inspection. Twenty cents per bale in each lot, minimum charge five dollars:

(5) Review inspection of submitted sample. Five dollars per unofficial sample.

(6)) Appeal inspection. Charges for appeal inspections will be made by the ((grain division, consumer and marketing service, United States department of agriculture)) Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

((7)) (5) Extra copies. A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

((8)) (6) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant ((and)) or there is an undue delay in making a lot of hops available for sampling, ((a charge of three dollars fifty cents per hour will be made, time to be computed from departure of sampler or inspector from his base of operation until time of his return to said base.

(9) Mileage. If trips are made on calls for sampling hops and hops are not available for sampling, a charge of ten cents per mile in addition to extra time charges will be made.

((10) Accessibility for sampling.)) extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charged by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the ((sampler or)) inspector.

Codified as

NEW SECTION

-02001

WAC 16-218-020 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS, HOP EXTRACT, HOP PELLETS OR HOP POWDER. (1) When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: twenty-five dollars per certificate for the Wollmer Hop Analysis Method; fifteen dollars per certificate for the ASBC Spectrophotometric or Conductometric Methods; and fifteen dollars per certificate for the EBC Conductometric Method. A Submitted Sample Certificate will be issued.

(2) Official samples of hops drawn by department personnel are composited either from the cores drawn for grade analysis, or from cores specially drawn on federal sampling schedule for brewing value only. Charges for analysis are: ten cents per bale, with a minimum of twenty-five dollars for the Wollmer Hop Analysis Method; ten cents per bale, with a minimum of fifteen dollars for the ASBC Spectrophotometric or Conductometric Methods; and ten cents per bale, with a minimum of fifteen dollars for the EBC Conductometric Method. An official Brewing Value Certificate will be used.

(3) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charge by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from these bales selected by the inspector.

(4) The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-218-002 PROMULGATION
- WAC 16-216-001 PROMULGATION
- WAC 16-216-010 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS

WSR 78-07-075
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed June 30, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 1-12 WAC, that the Department of Transportation, intends to adopt, amend, or repeal rules concerning addition of, Appendix to chapter 252-990 WAC, the definition of the sign message WHEN CHILDREN ARE PRESENT;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, August 14, 1978, in the Room 1D9, Highway Administration Bldg., Olympia, WA 98504.

The authority under which these rules are proposed is chapter 47.36 RCW, Traffic Control Devices.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 14, 1978, and/or orally at 10:00 a.m., Monday, August 14, 1978, Highway Administration Building, Olympia, WA.

Dated: June 21, 1978
By: V. W. Korf
Deputy Secretary

ADDITION OF
APPENDIX TO CHAPTER 252-990 WAC
DEFINITION
OF
SCHOOL SPEED LIMIT SIGN SUPPLEMENT
"WHEN CHILDREN ARE PRESENT"

The supplemental or lower panel of a "SCHOOL SPEED LIMIT 20" sign which reads, "WHEN CHILDREN ARE PRESENT" shall indicate to the motorist that the 20 mile per hour school speed limit is in force under the following conditions: -

- (1) School children are occupying or walking within the marked crosswalk.
- (2) School children are waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.
- (3) School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends 300 feet in either direction from the marked crosswalk.

WSR 78-07-076
NOTICE OF PUBLIC MEETINGS
OCEANOGRAPHIC COMMISSION
 [Memorandum, Admin. Asst.—June 29, 1978]

The Oceanographic Commission of Washington and the Oceanographic Institute of Washington will hold a joint open public meeting, Friday, August 11, 1978, in Room B7, Sequim Senior High School, Sequim Avenue at Fir, Sequim, Washington. The morning session will begin at 9:30 a.m. Public testimony on the Commission's on-going study "Liquefied Natural Gas and Liquefied Petroleum Gas Hazards Management in Washington State" will be accepted during the afternoon session which begins at 1:30. Other items on the agenda are presentation and review of the revised Draft Environmental Impact

Statement for the Western Regional Center of the National Oceanic and Atmospheric Administration at Sand Point, Seattle, Washington, and the Commission's 1979-81 biennium budget request. A timed agenda will be available August 7. For further information contact the Oceanographic Commission of Washington, 312 First Avenue North, Seattle, Washington 98109. Phone (206) 464-6272.

WSR 78-07-077
PROPOSED RULES
DEPARTMENT OF
EMPLOYMENT SECURITY
[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning public disclosure and privacy of records and information maintained by the Employment Security Department; hearings and review under the work incentive program; practice and procedure before the Employment Security Department; pregnancy disqualification; employing unit records and wage reports; cash value of compensation not paid in cash; bonding and deposit requirements for non-profit organizations; registration of political subdivisions and instrumentalities thereof; and payment of benefits to partially unemployed and standby workers;

that such agency will at 9:00 a.m., Wednesday, August 9, 1978, in the Highways Administration Building, Room 2F-22, 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, August 14, 1978, in the Commissioner's Conference Room, Employment Security Building, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010; 50.13.030; 42.17.250; 42.17.290; 74.22.110; and 74.23.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 9, 1978, and/or orally at 9:00 a.m., Wednesday, August 9, 1978, Room 2F-22, Highways Administration Building, Olympia, WA.

Dated: 6/28/78

By: Eugene Wiegman
Commissioner

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-030 PREAMBLE. RCW 50.32.010 provides, in part, as follows:

" . . . Notice of any appeal or petition for hearing taken to an appeal tribunal in any proceeding under this act may be filed with such agency as the commissioner may by regulation prescribe."

RCW 50.32.020 provides, in part, as follows:

"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal . . ."

RCW 50.32.060 provides, in part, as follows:

"The manner in which any dispute shall be presented to the appeal tribunal, and the conduct of hearings and appeals, shall be in accordance with regulations prescribed by the commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. ((* * *)) . . ."

RCW 50.32.070 provides:

"Within ten days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the commissioner on his own order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within ten days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition in writing for review by the commissioner is received by the commissioner or by such representative of the commissioner as the commissioner by regulation shall prescribe. The commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his review thereof by entering an order so providing on his own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein for seeking review by the commissioner and for the commissioner's assumption of jurisdiction on his own motion for review shall be deemed to be jurisdictional."

RCW 50.32.100 provides:

"In all proceedings provided by this title prior to court review involving dispute of an individual's initial determination, or claim for waiting period credit, or for benefits, the fees of all witnesses attending such proceedings pursuant to subpoena shall be paid at the rate fixed by such regulation as the commissioner shall prescribe and such fees and all costs of such proceedings otherwise chargeable to such individual, except charges for services rendered by counsel or other agent representing such individual, shall be paid out of the unemployment compensation administration fund. In all other respects and in all other proceedings under this title the rule in civil cases as to costs and attorney fees shall apply: **PROVIDED**, That cost bills may be served and filed and costs shall be taxed in accordance with such regulation as the commissioner shall prescribe."

RCW 50.20.150 provides:

"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during his benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of re-establishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes."

"Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account."

RCW 50.12.010 provides, in part, as follows:

"The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end. . . ."

RCW 34.04.020 provides, in part, as follows:

"In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions: **PROVIDED**, That RCW 34.04.022 shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967."

RCW 34.04.090 provides, in part, as follows:

((* * *))

"(7) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

"(8) Agencies, or their authorized agents, may

((* * *)) . . .

"(d) take or cause depositions to be taken pursuant to rules promulgated by the agency, ((* * *)) . . ."

The commissioner accordingly prescribes:

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-040 INTERESTED PARTIES DEFINED. As used in this regulation, unless the context clearly indicates otherwise, the term "interested party" means:

((a)) (1) In the case of a claim for waiting period credit or benefits, the claimant, and in the event of an issue concerning a separation from work for reasons other than lack of work, the party from whose employment the claimant became separated.

((b)) (2) In the case of an assessment for, or denial of a claim for refund of, contributions or interest, or of denial of adjustment of experience rating credit, or a denial of a redetermination of benefit charges made to ((his)) an employer's account or ((his)) an employer's determined or redetermined rate of contribution, the party whose contributions, experience rating, benefit charges, or rate of contribution is affected by such assessment or denial.

((c)) (3) Any other party whom the commissioner shall in writing recognize as an interested party.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-060 APPEALS—RIGHT TO NOTICE OF. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

((a)) (1) Redetermination of an initial determination.

((b)) (2) Determination of allowance or denial of waiting period credit or benefits.

((c)) (3) Redetermination of allowance or denial of waiting period credit or benefits.

((d)) (4) Notice of assessment of contributions or interest.

((e)) (5) Denial of a claim for refund of contributions or interest.

((f)) (6) Denial of adjustment of experience rating credit.

((g)) (7) Denial of a redetermination of benefit charges made to an employer's account.

((h)) (8) Denial of a redetermination of an employer's determined or redetermined rate of contribution.

((i)) (9) Decisions and orders issued by an appeal tribunal other than an order approving a withdrawal of appeal.

((j)) (10) Decisions of commissioner.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-110 HEARINGS—SPECIAL SCHEDULING—POSTPONEMENT. Requests for scheduling a hearing at ((am)) a specific hour or on a specific day ((other than)) within the limitations as specified in WAC 192-09-105 shall be addressed in writing to the ((chief appeal examiner)) appeal tribunal who, in the exercise of sound discretion, shall grant such a hearing only upon a basis of good cause shown therefor. Any hearing, once scheduled, shall be rescheduled upon request of an interested party, only upon a basis of good cause shown therefor.

Any party who desires a postponement ((shall)), immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such postponement come to his or her knowledge, shall notify the ((employment security department or its)) designated appeal examiner, or in his or her absence the chief appeal examiner, of said desire, stating in detail the reasons why such postponement is necessary. The ((employment security department or its)) designated appeal((s)) examiner, or chief appeal examiner, in passing upon a request for postponement, shall consider whether such request was promptly and timely made. For good cause shown, the ((employment security department or its)) designated appeal((s)) examiner, or in his or her absence the chief appeal examiner shall grant such postponement, and may at any time order a postponement upon ((its or)) his or her own motion.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-135 HEARINGS—EVIDENCE. At all hearings before an appeal tribunal testimony shall be taken under oath or on affirmation and the right of cross-examination afforded to all interested parties. The appeal tribunal shall receive any evidence logically tending to prove or disprove a given fact in issue, irrespective of common law rules of evidence, but no decision or findings of fact shall be based exclusively upon hearsay evidence unless such hearsay evidence would be considered admissible under the rules of evidence for superior courts of the state of Washington. The appeal tribunal, when any evidence is unnecessarily cumulative in effect or where any evidence neither tends to prove nor disprove a relevant fact in issue, may, on

objection of an interested party or on its own motion, exclude or prohibit such evidence from being received.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-230 SUBPOENAS—PROCEDURE TO QUASH. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the ((employment security department or its authorized member or officer)) appeal examiner who issued the subpoena or the chief appeal examiner may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-315 DECISIONS—PETITION FOR REVIEW. Any interested party ((deeming himself)) who is aggrieved by a decision of an appeal tribunal other than an order approving a withdrawal of an appeal or a withdrawal of a petition for hearing, may petition the commissioner to review such decision. Such petition for review must be completed in writing by the aggrieved party or his or her representative and forms for this purpose shall be furnished by the commissioner on request, although the use of such forms shall not be a jurisdictional requirement. The filing of a petition for review shall be deemed timely if the written petition is received at any office of the employment security department, or in an office of the unemployment compensation agency of any other state or territory, within ten days after the date on which the appeal tribunal decision was mailed to the aggrieved party's last known address. If the petition for review is mailed, it shall be deemed filed with the addressee on the postmark date if said document is properly addressed and has sufficient postage affixed thereto.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-400 SPECIAL PROCEEDINGS—PRE-HEARING CONFERENCE—PURPOSE. In any complex proceeding, the ((employment security department or its designated)) appeal((s)) examiner upon ((its or)) his or her own motion, or upon the request of any interested party or their qualified representative, may in ((its or)) his or her discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of fact and of documents;
- (4) The limitation of witnesses;
- (5) Such other matters as may aid in the disposition of the proceedings.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-405 SPECIAL PROCEEDINGS—PRE-HEARING CONFERENCE—EXAMINER'S ORDER. The ((employment security department or its designated)) appeal((s)) examiner ((shall)) may make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admission or agreements, and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-420 SPECIAL PROCEEDINGS—CHALLENGE OF EXAMINER—BIAS OR INTEREST. No examiner shall hear or decide any disputed issues in any case in which he or she has an interest. Any interested party having reason to believe that the examiner assigned to the case is prejudiced in the matter, may, at any time prior to the ((mailing of a decision)) issuance of a discretionary ruling by the ((appeal tribunal)) examiner assigned to the case, petition the examiner, the chief appeal examiner, or the commissioner for a change of examiner. After the issuance of a discretionary ruling, a

petition for a change of examiner will be considered only if the petitioner alleges that the examiner had an actual undisclosed personal or financial interest in the outcome of the case. At any time after a hearing and prior to the commissioner's decision, any interested party having reason to believe that the examiner assigned to the hearing before the appeal tribunal (~~was prejudiced in the matter~~) failed to disclose a personal or financial interest in the outcome of the case, may petition the commissioner for a new hearing before ~~(the commissioner or his duly authorized representative)~~ an impartial appeal tribunal. If an examiner assigned to hear a disputed matter refuses a petition for a change of examiner on a challenge to his or her interest, such challenge shall be heard and decided by the commissioner or his or her duly authorized representative.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-09-425 SPECIAL PROCEEDINGS—CHALLENGE OF COMMISSIONER—BIAS OR INTEREST. The commissioner shall not review any case on petition in which he or she has an interest. Any interested party having reason to believe that the commissioner is prejudiced in the matter shall address his or her reasons in support of such belief to the commissioner in writing at any time before issuance of the commissioner's decision. If the commissioner deems himself or herself prejudiced in the matter, he or she shall under the authority of RCW 50.12.020, assign the matter for ~~(hearing)~~ review and decision to any departmental employee he or she deems competent. Any decision issued under the authority of this provision shall be signed by the individual who prepared the decision with the designation, "representative of the commissioner" appearing immediately below his or her signature.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-010 HEARINGS AND REVIEW UNDER THE WORK INCENTIVE PROGRAM. Definitions:

(1) "AFDC" (Aid to Families with Dependent Children) means the program authorized under title IV-A of the federal Social Security Act to provide financial assistance and social services to needy families with children.

(2) "Appellant" means a registrant ~~((or participant))~~ who requests a hearing with the appeal tribunal.

(3) "Appeals examiner" means an authorized hearing officer of the appeal tribunal.

(4) "Appeal tribunal" means the adjudicative body provided by the department to hear disputes under this chapter.

(5) "Commissioner" means the commissioner of the employment security department.

(6) "Appraisal" means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

(7) "Department" means the Washington state department of employment security in its capacity as state WIN ~~((administrator))~~ sponsor.

~~((7))~~ (8) "DSHS" means the Washington state department of social and health services.

~~((8))~~ (9) "Exemption" means freedom from the obligation imposed upon AFDC recipients under title IV-A of the Social Security Act to register for the WIN program.

~~((9))~~ (10) "National Review Panel" means the highest level of administrative authority for appeals under the WIN program. The panel is established by the United States department of labor pursuant to 29 CFR § ~~((57-9))~~ 56.70 and is located in Washington, D.C.

~~((10))~~ "Participant" means a registrant who has been appraised and for whom an employability plan has been initiated by the department and by DSHS.)

(11) "Petitioner" means any person in interest who petitions the commissioner for review of a decision of the appeal tribunal.

(12) "Registrant" means an AFDC applicant or recipient who has registered ~~((for))~~ with the WIN ~~((program))~~ sponsor for manpower services, training, and employment.

(13) "WIN" means the work incentive program established under title IV-A of the federal Social Security Act and mandatory for all nonexempt AFDC recipients.

NEW SECTION

WAC 192-10-015 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-020 PURPOSE AND SCOPE. (1) This chapter sets forth the rules of practice applicable to appeal tribunal hearings and commissioner's review proceedings relating to certain disputes arising under the WIN program in the state of Washington. Such disputes involve ~~((+))~~ (a) the refusal or failure on the part of a registrant ~~((or participant))~~ to accept employment or to participate in the WIN program without good cause, ~~((and (2) exemption or nonexemption redeterminations of previously registered individuals by the department. Such disputes do not involve initial exemption or nonexemption determinations made by local offices of DSHS for AFDC recipients))~~ (b) the refusal or failure to appear for appraisal, (c) disputed assignments to a WIN component, and (d) unresolved WIN grievances.

(2) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled by appeal tribunal hearing and commissioner's review. In the same manner as if the registrant had, in fact, refused to participate in the WIN program.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-030 HEARINGS—REQUESTS—TIME LIMITATIONS. Any registrant ~~((or participant))~~ who disagrees with a determination proposing to terminate him or her from the WIN program or who disagrees with a ~~((department denial of a claim of exemption based on a change of status))~~ departmental decision involving assignments to a WIN component or has an unresolved grievance may, within ~~((seven))~~ ten calendar days after the ~~((receipt))~~ mailing of the notice of proposed ~~((termination or of the denial of a claim of exemption))~~ deregistration or other action, request a hearing with the appeal tribunal. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. If the request is mailed, it shall be deemed filed on the postmark date if it is properly addressed and has sufficient postage affixed.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-050 HEARINGS—PREPARATION AND SERVICE. ~~((A formal request for hearing shall be prepared on behalf of the appellant by the department's local office and shall be forwarded to the chief appeals examiner of the appeal tribunal together with the appellant's case record before the close of the next business day after receipt of the original request. In each case, the local office shall certify that the formal request was forwarded within the prescribed time period or provide a detailed report of the circumstances of the delay when said request has not been forwarded within the prescribed time period.))~~ Where the request is oral the department shall prepare required forms on behalf of the individual and obtain the individual's signature on the forms. In all cases the local office shall forward to the chief appeals examiner of the appeal tribunal the appellant's case records and request for hearing before the close of the next business day after receipt of the request.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-060 HEARINGS—NOTICE REQUIREMENTS. ~~((Before the close of the next business day after receipt of the formal request for hearing by the appeal tribunal.))~~ Within ten days after receipt of the formal request for hearing by the department a notice of hearing and a copy of the rules of practice shall be ~~((sent by certified mail))~~ mailed to the appellant and any other person in interest at their last known address. The notice shall state the date, time and place of hearing and the issues to be heard.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-070 HEARINGS—SCHEDULING—LOCATION. All hearings contemplated by this chapter shall be scheduled ~~((and held within seven working))~~ no earlier than ten days or later than thirty days following the mailing of the notice of hearing((; but in no event shall a hearing be held less than seven calendar days after the mailing of the notice. PROVIDED, HOWEVER, That)); The appeal tribunal may at its discretion ~~((reschedule or))~~ approve a request for rescheduling a hearing~~((- PROVIDED FURTHER, That)).~~ All hearings will be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays (state holidays excepted), at any reasonable location in the ~~((county))~~ area wherein the appellant resides or any other mutually convenient location.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-080 PARTIES AND PRESENTATION OF THE CASE. The hearing shall be conducted by an appeal~~((s))~~ examiner. ~~((It shall include the appellant, his duly authorized representative and witnesses on his behalf if any; and where appropriate, representatives of the department, DSHS and witnesses if any.))~~ The registrant or his representative, and the designated WIN sponsor and DSHS shall be afforded the opportunity to present, examine, and cross-examine witnesses. A member of the ((department)) WIN staff or its legal representative shall have primary responsibility for presenting the case to the appeals examiner.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-090 DUTIES OF THE EXAMINER. The hearing shall be conducted with full regard to the requirements of due process of law to assure a fair and impartial hearing. The appeals examiner shall:

- (1) administer oaths and affirmations;
- (2) issue subpoenas as hereinafter authorized;
- (3) rule on offers of proof and receive relevant evidence;
- (4) regulate the course of the hearing and the order of presentation of evidence; and
- (5) take any other action necessary to insure an orderly hearing, including disqualification of a representative for improper conduct at the hearing. He may participate in eliciting testimony from the witnesses, but shall not act as an advocate for any party, and shall, if feasible, resolve the dispute ~~((at any time))~~ by conciliation at any time prior to the conclusion of the hearing.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-110 RECORDING OF TESTIMONY. The testimony at the hearing shall be ~~((mechanically))~~ recorded. It shall be transcribed only as needed or when the appeal tribunal's decision is to be ~~((ultimately))~~ reviewed by the National Review Panel.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-120 ACCESS TO RECORDS. The case record, or any portion thereof, shall be available for inspection and copying by any person in interest at, prior, or subsequent to the hearing upon said person's request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

NEW SECTION

WAC 192-10-265 DECISION OF APPEALS EXAMINER. The appeals examiner may rule:

- (1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;
- (2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;
- (3) That the request for a hearing is dismissed because:
 - (a) It was filed untimely without good cause;
 - (b) It has been withdrawn in writing;
 - (c) The individual failed to appear at the hearing without good cause; or
 - (d) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and

for the purpose of unduly delaying or avoiding a hearing, in which case DSHS may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, an appeals examiner shall not consider the validity or constitutionality of these regulations, federal regulations, or Title IV of the Social Security Act.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-280 DECISIONS—PREPARATION AND SERVICE. ~~((The appeals examiner shall, if possible, render an oral opinion at the conclusion of the hearing.))~~ On the basis of the record compiled at the hearing, ~~((he))~~ the hearings examiner shall, within ~~((three))~~ ten working days ((of the close of)) following the hearing, ~~((prepare))~~ mail a written decision stating his findings and conclusions. Copies of the decision shall be served by certified mail on the applicant, the department, and all other persons in interest. Instructions for petitioning for commissioner's review of an adverse decision shall be attached to the appellant's copy. The case record shall be returned to the department.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-300 PETITION FOR REVIEW BY THE COMMISSIONER. ~~((If the appellant, the department or DSHS disagrees with the decision of the appeal tribunal, said person may, within fifteen days after the receipt of the appeal tribunal's written decision, petition the commissioner in writing for review of said decision.))~~ Any party disagreeing with the decision of the appeal tribunal, may petition the commissioner in writing for review of said decision within ten days after the mailing of the appeal tribunal's written decision. In all cases, whether or not he is the petitioner, the registrant ~~((or participant))~~ shall be furnished with the rules governing the commissioner's review along with notification of the receipt of the petition for such review. A petition for review shall not stay implementation of the decision.

AMENDATORY SECTION (Amending Order 4-72, filed 11/6/72)

WAC 192-10-310 COMMISSIONER'S REVIEW PROCEDURE. (1) The commissioner shall consider and render a decision on a written petition for review which is filed within ~~((fifteen))~~ ten days after the ~~((receipt))~~ mailing of the written appeal tribunal decision. The petition need not be in any particular form but should specify the decision to which the petitioner takes exception and the date on which the decision was received. The petition shall be signed by the petitioner or his duly authorized representative. The petition shall be deemed timely filed if it is received by the commissioner or by any local office of the department within the prescribed ~~((fifteen))~~ ten day time period. If the petition is mailed, it shall be deemed filed on the postmark date if the petition is properly addressed and has sufficient postage affixed thereto.

(2) Within thirty days after receipt of the petition for review, the commissioner shall prepare a written decision either affirming or reversing the appeal tribunal decision. The commissioner may also remand the case to the tribunal for further development of the evidence. The commissioner's decision shall be based solely upon his review of the hearing record and upon any additional evidence submitted to the tribunal in connection with the commissioner's review of the case. The decision shall state the findings and the reasons for the conclusions reached therein.

(3) Copies of the commissioner's decision shall be served by certified mail on the registrant ~~((or participant))~~ and other persons in interest. Instructions for appealing an adverse decision to the National Review Panel and the conditions under which the panel will consider an appeal shall be attached to the registrant's ~~((or participant's))~~ copy of the decision.

(4) The commissioner may, in petitions involving novel questions of law or policy, certify the case within five days after his decision to the National Review Panel for review and decision.

(5) If a hearings examiner's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 192-10-260 DISPOSITION BY DECISION ON THE MERITS.
- (2) WAC 192-10-270 DISPOSITION BY DECISION OTHER THAN ON THE MERITS.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-12-030 REPORTS REQUIRED OF PERSONS OR ENTITIES FOR WHOM PERSONAL SERVICES ARE PERFORMED. RCW 50.12.070 provides:

" * * * The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this act. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers and such other information as the commissioner may by regulation prescribe."

RCW 50.20.150 provides:

"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If during the benefit year, the applicant becomes unemployed after having accepted subsequent work, and files a claim for waiting period credit or benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes."

RCW 50.32.020 provides:

"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal within ten days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to his last known address: * * *"

RCW 50.12.010 provides:

"It shall be the duty of the commissioner to administer this act. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, * * * as he deems necessary or suitable to that end. * * *"

The commissioner accordingly prescribes:

(1) Employer's status report. Every person or entity which has or subsequent to January 1, 1936, had one or more individuals performing services for it in the state of Washington shall have on file with the commissioner immediately after the effective date of this regulation an employer's status report in accordance with the form therefor furnished by the commissioner.

(2) Contribution and wage reports:

(a) Contribution report. Each employer shall not later than the last day of the month following the expiration of any calendar quarter file with the commissioner, on forms which the commissioner shall furnish, a report with respect to such quarter setting forth the wages paid for employment to individuals in his employ. Calendar quarters shall be deemed to end March 31, June 30, September 30 and December 31 respectively of each year.

(b) Wage report. Each employer shall not later than the last day of the month following the expiration of such calendar quarter file with the commissioner, on forms which the commissioner shall furnish, a report with respect to such calendar quarter setting forth the wages paid during such calendar quarter for employment to individuals in his employ, (~~the number of calendar weeks during the quarter in which such individuals earned not less than 15% of the average weekly wage as defined by law and computed by the department~~) the number of hours worked by each individual, the names of such individuals and their social security account numbers. (~~The number of such calendar weeks reported should not exceed thirteen in any quarter. If a portion of a calendar week extends into the following calendar quarter, and services were performed in both portions of the week, that week shall be reported only in the quarter in which the major portion of the week falls. If the services performed in that week all fell in the portion lying~~

~~within one quarter, the week shall be reported in that quarter in which the services were performed.~~) Exceptions to the foregoing provisions 2(a) and (b) relative to the time and manner of reporting shall be allowed only after application has been made requesting exceptions and the application has been approved by the commissioner.

(c) Termination of business. Each employer who ceases business or for any reason causes his account to be closed by the department shall immediately file:

(i) A contribution report with respect to the current calendar quarter which report shall cover contributions due to the date such account is closed;

(ii) A quarterly wage report with respect to the current calendar quarter as provided in section (2)(b) of this regulation which report shall include all wages paid to the date such account is closed.

(d) Reports for maritime service.

(i) Maritime contribution reports. Contribution reports with respect to wages, including advances, allotments, slops, and payment in kind, such as board and lodging, earned in any pay period shall be submitted as of the calendar quarter in which any such wages in cash were actually paid or such wages in kind were furnished, except that any of such items which are unknown to the reporting office will be considered paid in the calendar quarter in which the voyage is terminated.

(ii) Maritime wage reports. Individual wage detail reports on wages falling within the purview of this regulation need not be filed prior to the time when reports regarding wages paid at the termination of such period must be filed; except, however, supplemental quarterly wage detail reports shall be filed whenever wages involved were actually paid in a previous calendar quarter. Such supplemental report shall be filed along with the related contribution report.

(iii) Maritime special reports. The employer shall, upon request of the commissioner, promptly furnish a statement of the wages of a seaman, whenever such statement is necessary in order to determine such seaman's eligibility for and rate of benefits. Such statements shall be prepared and submitted in such a manner as the commissioner may in each case prescribe.

(3) Report of circumstances of applicant's separation from employment. Whenever an individual files an application for an initial determination or thereafter lapses his reporting at the local office and later renews such reporting following intervening employment, a notice of such filing or renewal shall be mailed to the applicant's most recent employing unit as stated by the applicant. Any employing unit receiving such a notice and having knowledge of any factors which might render the applicant ineligible for waiting period credit or benefits shall report such factors to the employment security department at the address indicated on the notice within ten days of the date of mailing of such notice. The absence of the receipt of the employing unit's report within the ten day period shall be deemed to justify allowances to the applicant of waiting period credit and the payment of benefits, provided the applicant is in all respects eligible.

In the event that information reported by an employing unit, in response to either of the notices required herein, is claimed by the employing unit to require disqualification from allowance of waiting period credit or payment of benefits, a determination of benefit rights will be made and a copy of such determination mailed to the employing unit.

(4) Low earnings report. When requested to do so by an authorized representative of the commissioner any person or entity for whom personal services are performed by individuals working less than full time during a "week" as defined in WAC 192-12-020 with resulting loss of earnings, to wit: Less than the maximum weekly benefit amount established by law, shall thereafter file with the nearest employment office, upon forms furnished by the commissioner, a report of low earnings with respect to such individuals for all weeks designated in the request.

(5) Labor dispute report. When any person or entity for whom personal services are performed has substantially curtailed or stopped operation by reason of a labor dispute or should such person or entity have reason to believe that such substantial curtailment or stoppage is due to a labor dispute, it shall advise the nearest employment office in writing of the date of the commencement of such substantial curtailment or stoppage of operations and upon the demand of the commissioner shall furnish, upon forms furnished by the commissioner, a report setting out the conditions under which such substantial curtailment or stoppage of operations occurred, together with the names, social security account numbers and job classifications of the individuals involved. Changes in the condition under which the labor dispute arose or in the status of any such individuals, occurring during the course of the dispute, shall be reported in the same manner.

Subsequent to the termination of the labor dispute, such person or entity shall advise the nearest employment service office in writing of the date of the termination of the labor dispute.

(6) Vacation reports. Each employer temporarily ceasing or substantially curtailing operations in order to allow a vacation period for individuals in its employ pursuant to an employment contract shall seven days prior to cessation or substantial curtailment of operations file with the nearest employment office a report giving the date of commencement and duration of the vacation period and shall further, upon the demand of the commissioner, furnish a report setting forth (a) the name of each individual ceasing work by reason of such cessation or curtailment of operations; (b) his social security account number; (c) the amount of wages or remuneration, if any, paid or payable to each individual for the vacation period; and (d) the identity of such individuals who have been or will be granted vacations during some other period.

(7) Report form instructions. All instructions contained on any report form issued by the employment security department shall have the same force and effect as if such instructions had been incorporated into and made a part of this regulation.

NEW SECTION

WAC 192-12-035 REGISTRATION OF POLITICAL SUBDIVISIONS AND INSTRUMENTALITIES THEREOF. RCW 50.44.030 requires any political subdivision or instrumentality of one or more political subdivisions of this state or one or more political subdivisions of this state and any other state, to file a written registration with the commissioner before December 15, 1977. The commissioner accordingly prescribes:

(1) Such registration, in accordance with the form therefor furnished by the commissioner, shall specify the manner in which the unit of government will finance the payment of benefits.

(2) If written registration is not received by December 15, 1978, the unit of government will automatically be assigned the method provided in RCW 50.44.035 (local government tax) or the method provided in chapters 50.24 and 50.29 RCW (payment of contributions), as is appropriate for that unit of government.

(3) Units of government created after January 1, 1978, will have thirty days from the date of inception to submit written registration with the commissioner, if not submitted within thirty days the unit of government will automatically be assigned a manner of financing benefits as provided in subsection (2) of this section.

(4) The commissioner for good cause may extend the time limits for registration provided in subsections (2) and (3) of this section.

AMENDATORY SECTION (Amending Regulation 5, adopted 6/10/53)

WAC 192-12-050 RECORDS. ((Section 46 of the act ())) RCW 50.12.070((?)) provides: "Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe ((?))."

((Section 40 of the act ())) RCW 50.12.010((?)) provides: "((It shall be the duty of the)) The commissioner ((to)) shall administer this ((act)) title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, ((?)) as he deems necessary or suitable to that end. ((?))"

The commissioner accordingly prescribes:

(1) Each person or entity shall preserve existing records with respect to personal services performed for it on and after January 1, 1936. On and after the effective date of this regulation, each such person or entity shall establish and maintain records with respect to each individual performing services for it, which records shall show the following: (a) The name of each such individual; (b) his social security account number; (c) the days and weeks during which each such individual performed services for said person or entity; (d) hours spent in employment and in nonsubject work with respect to any pay period; (e) the amount of wages or remuneration paid or payable to such individual on account of such services, said amounts to be segregated in such records into cash payment and payments in media other than cash; (f) the location at which such services were performed; (g) the date upon which each such individual was engaged or reengaged to perform services or returned to work after a temporary layoff; (h) the date when any individual's name was removed from the payroll; ((and)) (i) in the case of any individual whose separation from work was due to discharge, the cause of such discharge, or if his work was terminated by quit, the cause of such quit if known to such person or entity; and (j)

in the case of a farm operator contracting with a crew leader, the name of the crew leader, the inclusive dates of the contract, the types of services performed, and the number of persons performing such services.

(2) Records relating to services performed in employment shall be maintained and preserved for not less than four years subsequent to the date contributions have been paid in respect thereto. Records relating to services not performed in employment shall be preserved and maintained for not less than four years subsequent to the calendar year in which the remuneration for such services was paid.

AMENDATORY SECTION (Amending Rule 1, filed 12/1/65)

WAC 192-12-070 CASH VALUE OF CERTAIN REMUNERATIONS. (1) ((Section 33 of the act ())) RCW 50.04.320((?)) provides:

"((?)) . . . The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner."

(2) The commissioner accordingly prescribes:

Compensation for personal services paid in kind or in any medium other than cash shall, for all purposes under the act, be given its actual cash value to the worker, and such value shall be used in computing contributions due under the law. If any contract of hire shall fix the value of such items, the value so fixed shall be taken as the actual value thereof. If the actual cash value of any item of compensation is not readily determinable, it shall be fixed by the commissioner. In the latter case, until a specific determination is made by the commissioner, board and lodging furnished in addition to, or in lieu of money wages shall be deemed to have not less than the following values:

Full board and room, weekly	((\$10.00))
\$40.00	
Meals, per meal	((.40))
\$1.00	
Lodging, per week	((2.50))
\$10.00	

NEW SECTION

WAC 192-12-115 BONDING AND DEPOSIT REQUIREMENTS, NONPROFIT ORGANIZATIONS. RCW 50.44.070 provides:

"In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required . . . to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. . . ."

"The amount of the bond or deposit . . . shall be an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect . . . The determination made pursuant to this subsection shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent."

The commissioner accordingly prescribes:

(1) The amount of bond or deposit shall be determined by reviewing and computing taxable wages paid during the previous four quarters. Taxable wages will be determined on the basis of the coming years taxable wage base. The net annual taxable wage so developed multiplied by current tax rate will produce the amount of bond or deposit necessary for the coming calendar year.

The amount of bond requirement may be rounded in accordance with the following scale:

Computed Bond Requirement	May Be Rounded Down To
Up to \$500	Even \$5 segment
\$501 to \$1000	Even \$25 segment
\$1001 to \$50,000	Even \$100 segment
OVER \$50,000	Even \$1000 segment

(2) In the event an organization did not pay wages during the prior four consecutive quarters, then an estimated payroll based on the best information available will be used for the computation described in subsection (1) of this section.

(3) Bond or deposit requirements will be reviewed and recomputed annually during the fourth quarter of each calendar year for adequacy. The employer will be notified of any necessary change in amount of bond or deposit as prescribed in RCW 50.44.070(2) and (3).

(4) The following categories of nonprofit organizations are exempt from the bonding and deposit requirement: Hospitals, colleges and universities.

AMENDATORY SECTION (Amending Regulation 14, adopted 5/15/58)

WAC 192-12-150 PAYMENT OF BENEFITS TO PARTIALLY UNEMPLOYED PERSONS AND STAND-BY WORKERS. ((Section 81 of the act ())) RCW 50.20.130((?)) provides: "((~~Section 81~~))

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy-five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of ((eight)) five dollars. ((~~Section 81~~)) . . ."

[Reviser's note: Laws of 1959, chapter 321 sec. 3; (RCW 50.20.130) amended the above section by striking out "eight dollars" and inserting "twelve dollars".]

((Section 68 of the act ())) RCW 50.20.010((?)) provides: "An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the commissioner finds that

"(1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may be regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title; ((~~Section 68~~)) . . ."

((Section 32 of the act ())) RCW 50.04.310((?)) provides: "An individual shall be deemed to be 'unemployed' in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full-time work, if the remuneration payable to him with respect to such week is less than his weekly benefit amount. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary."

((Section 40 of the act ())) RCW 50.12.010((?)) provides: "The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, ((~~Section 40~~)) . . . as he deems necessary or suitable to that end. ((~~Section 40~~)) . . ."

The commissioner accordingly prescribes:

(1) Definitions.

(a) The term "employer" as used in this regulation shall mean any person or entity for whom personal services are performed for wages.

(b) A partially unemployed individual is one who during a particular week earned some remuneration but less than his weekly benefit amount, was employed by his regular employer and worked less than his normal customary full hours for such regular employer because of lack of full-time work.

(c) With respect to a partially unemployed individual whose remuneration is paid on a calendar week basis, a week of partial unemployment shall consist of the calendar week.

(d) With respect to partially unemployed individuals whose pay periods do not coincide with calendar weeks, remuneration earned during such pay periods may, if not allocated by the employer, be allocated by a representative of the commissioner directly from the employer's payroll records or from certified earnings reports from the employer to each calendar week during which such remuneration was earned.

(e) A "stand-by" worker is an individual who is totally unemployed, but who expects to resume work with his regular employer within a reasonable time and whose best interests and those of his regular employer are served, in the judgment of the commissioner, by his remaining in readiness to resume such work.

(2) Employer responsibility in the initiation of first claim for partial benefits in a new spell of partial unemployment.

(a) Immediately after the termination of any week beginning a new spell of partial unemployment in which an employer has furnished any individual in his employ less than such individual's customary full time hours of work and earnings of less than the maximum weekly benefit amount established by law, or, if weekly benefit amount is known, earnings less than such weekly benefit amount, such employer shall either

(i) Advise the worker that he may be entitled to partial benefits by handing him a weekly low earnings report or a substitute device for presentation at an employment office, or

(ii) Notify the local employment office nearest the establishment and await and abide by the instructions of that office concerning the taking of claims.

(3) Weekly low earnings report or substitute devices. After the employer has given notice to individuals in his employment and/or the employment office, as required above, he shall, throughout the continuance of the spell of partial unemployment, after the termination of each pay period within such spell, issue to each affected individual a weekly low earnings report showing the actual earnings of each such individual for each week of partial unemployment occurring within such pay period or shall furnish such individual with a payroll by-product. Such weekly low earnings reports or payroll by-products shall be issued by the employer not more than thirty days after the end of the week of partial unemployment to which they pertain. The payroll by-product must show in ink or typewriting:

(a) The name and official unemployment compensation code number of the employer;

(b) The name and social security account number of the individual in employment;

(c) The beginning or ending date of such week;

(d) The amount of remuneration earned in such week;

(e) The following certification: "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work."

(f) A signature (actual or facsimile) by the employer to the above certification, or other positive identification of the authority supplying the evidence.

In the event the local employment office furnishes a representative at the employer's establishment for the purpose of taking the claims and obtaining from the employer verification of earnings and affirmative evidence that all available work with such employer was taken by each claimant, no such low earnings report or substitute thereof shall be required.

Utilization of the payroll by-product is permissible only in the event the pay period for partial unemployment coincides with the calendar week.

(4) Registration and filing of claims for partial unemployment. An individual attached to a regular job may file a claim with respect to any calendar week during the next succeeding four calendar weeks following the receipt from the employer of information as to his earnings in any such week: PROVIDED, That if the commissioner finds that the failure of any individual to file a claim for partial unemployment benefits within such four weeks was due to failure on the part of the employer to comply with any of the provisions of subsection (b) and (c) above of this regulation, or to coercion or to intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the employment security department to discharge its responsibilities promptly in connection with such partial unemployment, the commissioner shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment.

A partially unemployed applicant for benefits who is attached to a regular job shall not be required to register for work in any week with respect to which he is partially unemployed, and prior registration shall not be a condition precedent to the filing of a claim for benefits for partial unemployment. Registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable.

(5) Registration and filing of claims by "Stand-by" workers. The commissioner may waive the requirement of registration for work by a "stand-by" worker during the first four weeks of such worker's unemployment, and in such event prior registration shall not be a condition precedent to filing a claim for benefits for such four weeks. Such worker shall, however, during any calendar week for which benefits are claimed report in person, and in the next succeeding period of two calendar weeks shall make a certification with respect to the week for which benefits are claimed: PROVIDED, That registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable; and PROVIDED FURTHER, That whenever

failure to comply with this regulation is for reasons which, in the judgment of the commissioner, constitute good cause, the commissioner may make such exceptions to this regulation as he deems necessary.

Whether or not any claimant shall be determined by the commissioner to be in a "stand-by" status shall depend upon the length of the prospective period of unemployment, the availability of other suitable work, the temporary or permanent nature of the new prospective employment, the effect upon the employer and the worker of acceptance of new employment, the nature of the contract to be entered into by the worker in prospective new employment, and such other factors as the commissioner deems pertinent.

(6) Employer records in connection with partial unemployment. Each employer shall maintain its payroll records in such form that it will be possible from an inspection thereof by the employment security department to determine with respect to each individual in its employ who may be eligible for partial benefits: (a) Remuneration earned, by weeks, in such manner as to make possible and practical the allocating to calendar weeks of remuneration earned if the pay period does not coincide with calendar weeks; (b) Whether any week was in fact a week of less than full-time work; and (c) Time lost, if any, by each such worker, due to his unavailability for work.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-120 SECRECY OF INFORMATION.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- | | |
|----------------------------|--|
| (1) <u>WAC 192-14-010</u> | PURPOSE. |
| (2) <u>WAC 192-14-020</u> | DEFINITIONS. |
| (3) <u>WAC 192-14-030</u> | DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF EMPLOYMENT SECURITY DEPARTMENT. |
| (4) <u>WAC 192-14-040</u> | OPERATIONS AND PROCEDURES. |
| (5) <u>WAC 192-14-050</u> | PUBLIC RECORDS AVAILABLE. |
| (6) <u>WAC 192-14-060</u> | PUBLIC RECORDS OFFICER. |
| (7) <u>WAC 192-14-070</u> | OFFICE HOURS. |
| (8) <u>WAC 192-14-080</u> | REQUESTS FOR PUBLIC RECORDS. |
| (9) <u>WAC 192-14-090</u> | COPYING. |
| (10) <u>WAC 192-14-100</u> | EXEMPTIONS. |
| (11) <u>WAC 192-14-110</u> | REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. |
| (12) <u>WAC 192-14-120</u> | PROTECTION OF PUBLIC RECORDS. |
| (13) <u>WAC 192-14-130</u> | RECORDS INDEX. |
| (14) <u>WAC 192-14-140</u> | RESPONSIBLE ADDRESSEE. |
| (15) <u>WAC 192-14-150</u> | FORMS. |

Chapter 192-15 WAC

PUBLIC DISCLOSURE AND PRIVACY OF INFORMATION

NEW SECTION

WAC 192-15-010 PURPOSE. The purpose of this chapter is to insure compliance by the employment security department with the provisions of RCW 42.17.250 through 42.17.320 concerning disclosure of public records, and to interpret and implement the provisions of chapter 50.13 RCW concerning the privacy and confidentiality of information or records held by the employment security department.

NEW SECTION

WAC 192-15-020 DEFINITIONS. (1) "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" 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.

NEW SECTION

WAC 192-15-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF EMPLOYMENT SECURITY DEPARTMENT. (1) The employment security department is a public service agency. The administrative office of the employment security department and its staff are located at 212 Maple Park, Olympia, Washington 98504.

(2) The employment security department is headed by a commissioner appointed by the governor. Under the commissioner are an executive assistant, three deputy commissioners, and a limited number of special staff that report directly to him. There are also assistant attorneys general assigned to the department who provide legal services in all agency matters.

(a) Under the executive assistant to the commissioner are the public information office, the veterans services office, the legislative liaison, and the labor liaison.

(b) Under the deputy commissioner for field services are the personnel section, the reviewing officers, the monitor advocate, and the community organizations liaison.

(c) Under the deputy commissioner for resources and programs are employment and training (CETA), staff development, employment services, and unemployment insurance.

(d) Under the deputy commissioner for support services are the office of management and budget and the office of general administration.

(3) Job service centers and tax offices are located throughout the state and are headed by a manager.

NEW SECTION

WAC 192-15-040 PROCEDURES FOR OBTAINING PUBLIC RECORDS—DESIGNATION OF DEPARTMENTAL EMPLOYEES RESPONSIBLE FOR PUBLIC RECORDS. (1) The public records of the employment security department shall be in the custody of the administrator, office of general administration, who will be responsible for implementing departmental regulations regarding the release of public records and for insuring compliance by departmental employees with chapters 50.13 and 42.17 RCW and chapter 192-15 WAC.

(2) The department shall appoint a responsible employee or employees in each job service center and tax office to handle requests for public records. In the central office, the records officer, and such agents as he appoints, shall handle such requests.

(a) The responsible departmental employees shall familiarize themselves with chapters 50.13 and 42.17 RCW, and chapter 192-15 WAC.

(b) All identifiable requests for public records shall be referred to these employees, except in cases of subpoenas which shall be handled as specified by WAC 192-15-070.

(3) Requests for public records may be made orally, except in the case of governmental agency requests for individual or employing unit records under RCW 50.13.060 which shall be handled as specified by WAC 192-15-060.

(a) If the responsible departmental employee is reasonably satisfied that the public record may be released under the provisions of chapters 42.17 and 50.13 RCW and these regulations, he may release it or provide access to the individual requesting it. If the employee is not satisfied that the requested information should be released, he shall refuse access to the public record.

(b) The departmental employee may consult with the department's records officer, or his agents, and/or any assistant attorney general for the department if he is unsure whether the public record should be released.

(4) Anyone refused access to public records held by the department who feels this refusal was improper may complete a request for public records form provided by the department at one of its offices.

(a) This form shall be published by the department's records officer and shall include a space for description of the records requested and for specification of reasons why the refusal of access was improper.

(b) The responsible departmental employee shall send the completed form to the department's records officer for consideration of the refusal.

(i) If the records officer, or his agents, decides that the public records may be disclosed under chapters 50.13 and 42.17 RCW and these regulations, he shall send the requested records to the appropriate departmental office or advise the date and place where the records will be available.

(ii) If the records officer, or his agents, decides that the public record cannot be disclosed or can only be partly disclosed under chapters 50.13 or 42.17 RCW and these regulations, he shall prepare a statement briefly explaining the reason that the record cannot be disclosed, including a statement of the specific statute prohibiting disclosure and an explanation of how the statute applies to the withheld record. This statement shall be forwarded to the proper job service center or tax office or to the person or agency requesting the records.

(iii) The records officer, or his agents, shall act as promptly as circumstances allow.

(5) In the event that the responsible departmental employee refuses access to records or information requested pursuant to RCW 50.13.050(1), the request form shall be sent to the appeal tribunal for handling by the examiner who is to hear the case in question. The examiner shall authorize the disclosure of the information or records if he deems them material to the proceeding. If the examiner does not deem the information or records material, he shall notify the interested party that they will not be disclosed and include an explanation of his action in his decision in the proceeding. After the decision of the appeal examiner and within the time limit provided in RCW 50.32.070, the interested party may petition the commissioner for a new hearing or the re-opening of a hearing if the refusal to disclose was improper and prejudiced the presentation of the party's case. This procedure for review by the commissioner shall be in lieu of the procedure provided in WAC 192-15-050.

NEW SECTION

WAC 192-15-050 COMMISSIONER'S REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the written denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the records officer, or other staff member denying the request. The written request shall specifically refer to the written statement by the records officer, or other staff member, which constituted or accompanied the written denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the records officer, or other staff member denying the request, shall refer it to the commissioner of the employment security department. The commissioner shall immediately consider the matter and either affirm or reverse such written denial. In any case, the request shall be returned with a final decision, within two business days following the original written denial.

(3) Administrative remedies shall not be considered exhausted until the employment security department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 192-15-060 ACCESS TO INDIVIDUAL OR EMPLOYING UNIT RECORDS OR INFORMATION BY GOVERNMENT AGENCIES—RCW 50.13.060. (1) Applications by government agencies for information or records deemed private and confidential by chapter 50.13 RCW shall be made to the responsible departmental employees specified in WAC 192-15-040. The applications shall be in writing on forms provided by the department.

(a) If the departmental employee is reasonably satisfied that the application meets the requirements of RCW 50.13.060, the government agency may have access to the information or records.

(b) If the departmental employee is not reasonably satisfied that the application meets the requirements of RCW 50.13.060 and refuses access, the agency may attach its application to the form specified by WAC 192-15-040(4) and obtain review of the refusal in the manner outlined in WAC 192-15-040 and 192-15-050.

(2) In the event of a refusal by a responsible departmental employee to release records or information under RCW 50.13.060(3), the government agency can immediately contact the commissioner for appeal.

(3) RCW 50.13.060(5) shall be interpreted to permit establishment of routine procedures for detection of fraud by claimants under the various social programs administered by government agencies. This statute permits access only to information needed to identify individuals improperly claiming under different programs. Further investigation of employment security department files concerning these individuals may be accomplished only if the normal requirements of RCW 50.13.060 are met.

(4) The term "other official of the agency" as used in RCW 50.13.060(1)(b) means an employee who has substantial responsibility

for the operation of the requesting agency or for one or more of its programs or administrative units.

NEW SECTION

WAC 192-15-070 RESPONSE TO SUBPOENAS—RCW 50.13.070. An employee called to testify in a judicial or administrative proceeding shall not disclose information or records deemed private and confidential under chapter 50.13 RCW, unless the presiding officer makes a finding that the need for the disclosure outweighs any reasons for the privacy and confidentiality of the records or information, or unless the employee is responding to a subpoena containing such a finding.

An employee receiving a subpoena should notify one of the responsible departmental employees who has been designated to handle requests for public records pursuant to WAC 192-15-040. This latter employee should make arrangements for the appropriate response to the subpoena, including attendance of the proper employee before the tribunal. The departmental employee may contact the records officer for guidance.

NEW SECTION

WAC 192-15-080 ACCESS TO PUBLIC RECORDS FOR OPERATION AND MANAGEMENT PURPOSES—RCW 50.13.080. RCW 50.13.080 shall be interpreted to permit incidental access to private or confidential information and records by private parties who are assisting the department in such areas as data processing and collection of employment security contributions. These parties are bound by the rules of confidentiality and privacy applicable to departmental employees and their activities will be monitored by the department to insure that private and confidential information or records are being handled correctly.

NEW SECTION

WAC 192-15-090 CONSENT TO RELEASE OF RECORDS OR INFORMATION—RCW 50.13.100. RCW 50.13.100, concerning consent to release of information or records deemed private and confidential, shall be liberally interpreted so that the department may release information or records to third parties who have been able to supply the department with reasonable written or oral assurances of their identity and that they are acting with the approval of the individual or employing unit whose records are involved. Instances of this consent would include a legislator who telephones the department for information about a constituent's claim which has been the subject of a complaint by the constituent to the legislator or an attorney who telephones the department for information concerning his client's claim. In cases where a certain record contains information about more than one individual or employing unit, all individuals or employing units concerned must give their consent before a record may be released or disclosed to other than the individuals or employing units.

NEW SECTION

WAC 195-15-100 DISCLOSURE RELATED TO EMPLOYMENT SECURITY PROGRAMS. Chapter 50.13 RCW shall not be interpreted to prevent the employment security department from:

(1) Disclosing information in carrying out the department's duties under Title 50 RCW or under any other program for which the department is responsible; or

(2) Disclosing information to the employment security agencies of other states when such disclosure relates to the administration of the employment security law of the requesting state; or

(3) Disclosing information to the internal revenue service when such disclosure relates to the federal Unemployment Tax Act.

NEW SECTION

WAC 192-15-110 PUBLIC RECORDS AVAILABLE. All public records of the employment security department, as defined in WAC 192-15-020 shall be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 192-15-120 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours

of the employment security department. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 192-15-130 COPYING. No fee shall be charged for the inspection of public records. The employment security department shall charge an established amount per page of copy for providing copies of public records and for use of the employment security department copy equipment. This charge is the amount necessary to reimburse the employment security department for its actual costs incident to such copying.

NEW SECTION

WAC 192-15-140 PROTECTION OF PUBLIC RECORDS. When a public record is turned over for inspection or copying, a place will be provided so that adequate surveillance may be made to prevent damage, disorganization, and loss of such records. At no time shall the original record be transported from one area to another without a member of the agency staff being present.

NEW SECTION

WAC 192-15-150 RECORDS INDEX. (1) The employment security department has available to all persons a current index which provides identifying information as to the following records:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the regulations which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the employment security department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 192-15-160 RESPONSIBLE ADDRESSEE. All communications with the employment security department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the employment security department's decisions and other matters, shall be addressed as follows: Employment Security Department, Attention: Administrator, Office of General Administration, Olympia, Washington 98504.

NEW SECTION

WAC 192-15-170 FORMS. The employment security department will provide forms for use by all persons requesting inspection and/or copying of copies of its records.

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

WAC 192-16-001 INTERPRETATIVE REGULATIONS—EMPLOYER REPORTS—EFFECT OF OMITTING INFORMATION—LIMITATION. RCW 50.12.070 ((as amended by section 3, chapter 33, Laws of 1977 ex. sess.)) generally requires employers to maintain accurate employment records and file required reports. Due to the failure on the part of certain employers to accurately report the number of weeks worked on their quarterly detail reports the processing of benefit claims has been hampered. In view of the requirements of federal law that unemployment insurance claims

be promptly paid the department felt it necessary to have available to it a method of establishing and computing entitlement, at least on an interim basis, in an expeditious though necessarily arbitrary manner. The amendatory section was submitted with this remedy in mind.

The section is to be applied in the computation and establishment of initial claims filed on and after the week commencing June 29, 1975. If an employer reports -0- weeks on the form it will be deemed a completed report and the entitlement will be computed on that basis. If the employer leaves the "weeks worked" box blank, the computation called for in the act will be applied in establishing the individual's right to benefits as set forth in the initial determination issued pursuant to RCW 50.20.140.

All employers are required to report the number of hours worked by each worker beginning July 1, 1977. If an employer reports -0- hours on the quarterly wage report form, EMS 5208, it will be deemed a completed report and the entitlement will be computed on that basis. If the employer leaves the "hours worked" column blank the computation called for in the act will be applied in establishing the individual's right to benefits as set forth in the initial determination issued pursuant to RCW 50.20.140.

The mathematical computation made by the department in accordance with this section will not be subject to employer appeal; however, the subsequent submittal of accurate and complete reports may result in a redetermination by the department. Benefits paid prior to the redetermination which are based on the arbitrary computation will be charged to each employer's account as though the initial determination were accurate even though subsequent redetermination based on accurate information would result in the issuance of a determination that the claim was invalid.

The amount paid to any claimant on the basis of the initial determination issued in accordance with the arbitrary computation procedure will not be established as an overpayment in the absence of fraud, misrepresentation or nondisclosure on the part of the claimant (RCW 50.20.160(1)); however, the department will not continue to pay benefits to a claimant once a redetermination of nonentitlement, based on accurate information on a complete wage detail report, has been issued. It was not the intention of the department in submitting the legislation, nor do we believe it was the intention of the legislature in adopting the legislation, to establish an exception to the qualification criteria, RCW 50.04.030, which would allow the continued payment of unemployment insurance benefits to individuals clearly not meeting the basic qualification criteria. It would be an unsound policy to dispense public funds in the guise of a penalty against an employer who has failed to comply with the provisions of the law when in fact it is the unemployment insurance fund which suffers the detriment and only the unqualified individual who is benefited.

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

WAC 192-16-002 INTERPRETATIVE REGULATIONS—EMPLOYER REPORTS—FURTHER DEFINING HOURS WORKED—RCW 50.12.070. RCW 50.12.070 ((as amended by section 3, chapter 33, Laws of 1977 ex. sess.)) requires employers to report "the hours worked by each worker and such other information as the commissioner may by regulation prescribe," beginning July 1, 1977. In order to further define what hours should be included on quarterly wage reports, the commissioner accordingly prescribes as follows:

(1) Vacation Pay. The employee will be credited for the actual number of hours on leave with pay. Vacations without pay will not count as hours worked. Cash payments in lieu of vacations will not be counted as hours worked.

(2) Sick Leave Pay. Hours will not be reported for sick pay excluded under the provisions of RCW 50.04.330(1). However, sick pay which is not excluded under the provisions of RCW 50.04.330(1) shall be reported as leave with pay and the number of hours reported accordingly.

(3) Overtime. The number of hours actually worked for which overtime pay or compensatory time is provided, will be reported without regard to the amount of compensation paid.

(4) Employees On Salary. If a salaried employee works irregular nonstandard weeks, he or she shall be reported for the actual number of hours worked. In the absence of reliable time figures, a full-time salaried employee will be reported for 40 hours worked for each week in which any of his or her duties are performed.

(5) Commissioned Employees. Employees compensated by commission will be reported for the actual number of hours worked. In the absence of reliable time figures, a full-time commissioned employee

will be reported for 40 hours worked for each week in which any of his or her duties are performed.

(6) Wages In Lieu Of Notice. Employees paid wages in lieu of notice will be reported for the actual number of hours compensated thereby.

(7) Severance Pay. Since the payment is predicated on past services, no additional hours are to be reported for severance pay. Severance pay is compensation for the separation from the employment itself as distinguished from wages in lieu of notice which compensates the employee for the amount of wages or salary he or she would have earned during the specified notice period.

(8) Payments In Kind. The actual number of hours worked (or reasonable estimate thereof) for performing services which are compensated only by payment in kind shall be reported.

(9) Bonuses, Tips And Other Gratuities. If such compensation is received during the course of performing regular compensated services for which hours are reported, no additional hours shall be reported for items in these categories. However, if the sole compensation for services performed are from any of these items, hours shall be reported.

(10) Fractions Of Hours. If the employee's total number of hours for the quarter results in a fraction amount, the total figure will be rounded off to the next higher number.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-16-003 INTERPRETATIVE REGULATIONS—
EFFECT OF REPEAL OF RCW 50.20.030—PREGNANCY
DISQUALIFICATION.

**WSR 78-07-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 5, 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 ch. 388-15 WAC relating to social services for families, children and adults
- Amd ch. 388-70 WAC relating to child welfare services—foster care—adoption services—services to unmarried parents;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 20, 1978, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 78-05-094 filed with the code revisers's office on 5/3/78.

Dated: June 28, 1978
By: Thomas G. Pinnock
Acting Secretary

**WSR 78-07-079
PROPOSED RULES
BOARD OF HEALTH
[Filed July 5, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health

intends to adopt, amend, or repeal rules concerning the amending of chapter 248-14 WAC, relating to nursing homes;

that such agency will at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 18.51.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 30, 1978, and/or orally at 10:00 a.m., Wednesday, August 30, 1978, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-03-124 and 78-05-106 filed with the code reviser's office on March 1, 1978 and May 3, 1978.

Dated: June 28, 1978
By: John A. Beare, M.D.
Secretary

**WSR 78-07-080
PROPOSED RULES
BOARD OF HEALTH
[Filed July 5, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning the repealing of chapter 248-120 WAC (Uncoded), relating to Radiation Control;

that such agency will at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 30, 1978, and/or orally at 10:00 a.m., Wednesday, August 30, 1978, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

Dated: July 5, 1978
By: John A. Beare, M.D.
Secretary

WSR 78-07-081
PROPOSED RULES
BOARD OF HEALTH
[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning:

- Rep WAC 248-102-030 Panel of consultants appointed.
- Rep WAC 248-102-040 Establishment of diagnosis.
- Rep WAC 248-102-050 Eligibility for financial support for treatment and followup care.
- Rep WAC 248-102-060 Financial support, services, and facilities not compulsory;

that such agency will at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 70.83.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 30, 1978, and/or orally at 10:00 a.m., Wednesday, August 30, 1978, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The proposed repeal deletes four sections of chapter 248-102 WAC, relating to Phenylketonur because they are obsolete and in some cases conflict with the word or intent of RCW 70.83.020, and paragraphs 248-102-020, and 248-102-070 of the most recent version of this WAC.

Dated: July 5, 1978
By: John A. Beare, M.D.
Secretary

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 248-102-030 PANEL OF CONSULTANTS APPOINTED.
- (2) WAC 248-102-040 ESTABLISHMENT OF DIAGNOSIS.
- (3) WAC 248-102-050 ELIGIBILITY FOR FINANCIAL SUPPORT FOR TREATMENT AND FOLLOWUP CARE.
- (4) WAC 248-102-060 FINANCIAL SUPPORT, SERVICES, AND FACILITIES NOT COMPULSORY.

WSR 78-07-082
PROPOSED RULES
BOARD OF HEALTH
[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Health intends to adopt, amend, or repeal rules concerning the repealing of chapter 248-116 WAC, relating to Radiation Control;

that such agency will at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 30, 1978, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 30, 1978, and/or orally at 10:00 a.m., Wednesday, August 30, 1978, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

Dated: July 5, 1978
By: John A. Beare, M.D.
Secretary

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 248-116-010 GENERAL
- (2) WAC 248-116-020 DEFINITIONS
- (3) WAC 248-116-030 REGISTRATION PROCEDURE
- (4) WAC 248-116-040 REPORTABLE RADIATION SOURCES
- (5) WAC 248-116-050 EXEMPTIONS FROM REGISTRATION
- (6) WAC 248-116-060 RECORDS APPENDIX

- Schedule A
- Schedule B
- Schedule C
- Schedule N
- Schedule O

WSR 78-07-083
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
[Order 18-Filed July 5, 1978]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington the annexed rules relating to revisions to WAC 252-09, changes and deletions in the WAC rules due to the Department of Ecology revising the SEPA Guidelines and the establishment of the Department of Transportation.

This action is taken pursuant to Notice No. WSR 78-05-032 filed with the code reviser on 4/18/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21C-.120 and chapter 197-10 WAC which directs that the Department of Transportation has authority to implement the provisions of RCW 43.21C.120 and chapter 197-10 WAC.

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

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

APPROVED AND ADOPTED July 5, 1978.

By W. A. Bulley
Secretary

Chapter 252-09 WAC
~~((HIGHWAY))~~ TRANSPORTATION COMMISSION AND ~~((HIGHWAY))~~ TRANSPORTATION DEPARTMENT STATE ENVIRONMENTAL POLICY ACT RULES

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-10 WAC.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-020 PURPOSE. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act of 1971 (SEPA) into the programs, activities, and actions of the Washington state ~~((highway))~~ transportation commission, department of ~~((Highways))~~ transportation (hereinafter referred to as the ~~((highway))~~ transportation department). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-10 WAC).

(2) These rules are intended to establish procedures for implementing SEPA in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of SEPA.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-025 SCOPE AND COVERAGE OF THIS CHAPTER. The rules of this chapter apply to the activities of the ~~((highway))~~ transportation department, and all divisions and subdivisions thereof. Compliance with the rules of this chapter shall constitute complete procedural compliance with SEPA for any "action" as defined in WAC 197-10-040(2).

AMENDATORY SECTION (Amending Order 253, filed 5/17/76 and 6/2/76)

WAC 252-09-040 INCORPORATION OF THE SEPA GUIDELINES ADOPTED BY THE ~~((COUNCIL ON ENVIRONMENTAL POLICY))~~ DEPARTMENT OF ECOLOGY. (1) The provisions of chapter 197-10 WAC (SEPA guidelines adopted by ~~((the))~~ council on environmental policy on December 12, 1975 and amended by the department of ecology), including all optional provisions thereof except WAC 197-10-

440(13)(c) and ~~((197-10-460(1)(h)))~~ 197-10-460(1)(g) are hereby adopted by the ~~((highway))~~ transportation department, and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the Washington state ~~((highway))~~ transportation commission and the Washington state department of ~~((highways))~~ transportation.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-10 WAC, and to be consistent therewith.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-055 TIMING OF THE EIS PROCESS. (1) As provided by WAC 197-10-055, the EIS process shall be completed before the ~~((highway))~~ transportation department is irrevocably committed to a particular course of action. At the same time, the EIS process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required EIS for ~~((highway))~~ transportation department actions of a nonproject nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required EIS for licensing actions of the ~~((highway))~~ transportation department shall be completed prior to issuance of the license or licenses in question.

(4) The threshold determination and any required EIS for ~~((highway))~~ transportation department actions of a project nature shall in all cases be completed prior to the approval of the location or design of the project in question. A draft EIS shall be prepared prior to the first public hearing which may be held in connection with such project, and shall be made available at such hearing. While the ~~((highway))~~ transportation department may tentatively affirm the choice of a particular location or design based upon completion of a draft EIS, final adoption of a particular location or design shall not occur until a final threshold determination has been made or a final EIS has been prepared.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. As recognized in WAC 197-10-060, for projects, such as highways, streets, etc., where the proposed action is related to a large existing or planned network, the present proposal may be treated as the total proposal, or only some of the future elements of a proposed action may be selected for present consideration in a threshold determination or EIS. These categorizations shall be logical with relation to the design of the total system or network ~~((itself))~~, and shall not be made

merely to divide a larger system into exempted fragments. These categorizations shall (1) connect logical termini (population centers, major traffic generators, major crossroads, etc.); (2) possess a reasonable degree of independent utility; and (3) promote a meaningful consideration of alternatives by avoiding the necessity of considering numerous combinations of different alternatives.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-170 CATEGORICAL EXEMPTIONS. The following activities of the ((highway)) transportation department are within the categorical exemptions contained in the indicated subsections of WAC 197-10-170:

(1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-10-170(1)(k), including but not limited to:

- (a) Burning of weeds or brush within right of way limits;
- (b) Preparation, storage, and application of NaCl (rock salt), sand, and de-icing chemicals;
- (c) Disposal and/or treatment of sewage generated on ((highway)) transportation department property in accordance with state and local regulations;
- (d) Right of way mowings;
- (e) Snow removal and avalanche control;
- (f) Erosion control measures;
- (g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of ((highway)) transportation right of way;
- (h) Street ((and)), road, rail, and airport cleaning and sweeping;
- (i) Litter pickup and disposal;
- (j) Removal and disposal of debris;
- (k) Application of right of way fertilizer;
- (l) Planting, thinning, and removal of roadside, railside, or airport trees as required for landscaping and maintenance purposes;
- (m) Dead animal removal and disposal;
- (n) Pavement burning;
- (o) Maintenance and fencing of game crossings;
- (p) Pit and sundry site reclamation;
- (q) Waste oil disposal;
- (r) Maintenance of chemical toilets;
- (s) Control and disposal of roadway spills;
- (t) All repair, maintenance, or minor alteration of existing ((highway)) transportation pavement, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, airports, and other physical features and structures within the jurisdiction of the ((highway)) transportation department.

(2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-10-170(7)(i), including, but not limited to the establishment of or changes in toll rates.

(3) Information collection and research, as provided by WAC 197-10-170(17), including but not limited to

the development, adoption, and revision of 14-year ((highway)) transportation plans and 6-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the ((highway)) transportation department to proceed with the proposals contained therein.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-180 EXEMPTIONS FOR EMERGENCY ACTIONS. (1) The emergency exemptions defined in WAC 197-10-180 include, but are not limited to, the following emergency actions taken by the ((highway)) transportation commission or ((highway)) transportation department.

- (a) Issuance of emergency load restrictions on highways and bridges;
- (b) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;
- (c) Approval of funding for emergency projects;
- (d) Emergency disposal of hazardous material;
- (e) Emergency disaster maintenance;
- (f) Installation, removal, or alteration of emergency generator equipment;
- (g) Restriction of use of bridges due to structural deterioration.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-185 NONACTIONS. (1) The following activities are exempted from the requirements and procedures established by this chapter because they are not actions as that term is defined by WAC ((197-10-040(2)(c)(iii))) 197-10-040(2):

- (a) National transportation studies;
- (b) Federal-aid system designations;
- (c) National functional classification of highways and determination of needs.
- (d) Other ((highway)) transportation department policies, plans, or programs which will govern the development of a series of functionally related major actions for which approval must be obtained from any federal agency prior to implementation.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-520 PROCEDURES WHEN CONSULTED. When a request by another agency for consultation is made pursuant to the provisions of WAC 197-10-500 through 197-10-540, such request shall be referred for response to the ((assistant director for planning, research, and state aid)) assistant secretary for public transportation and planning, who shall coordinate the research and field investigations which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time periods specified by WAC 197-10-545.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-550 EXTENSION OF TIME PERIOD ALLOWED FOR PREPARATION OF THE FINAL EIS. As permitted in general terms by the provisions of WAC 197-10-550, the normal seventy-five-day period for preparation of a final EIS may be extended whenever the proposal is unusually large in scope, or where the environmental impact associated with the proposal is unusually complex. The determination that additional time is required for preparation of the final EIS shall be made in writing by the responsible official or his designee and shall be ~~((published in the "EIS in Preparation Register." The publication of the notice of extension of time period for preparation of the final EIS shall be))~~ accompanied by a brief statement explaining the reason that additional time is required ~~((and estimating the additional amount of time that will be required))~~.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-820 DESIGNATION OF RESPONSIBLE OFFICIAL. The responsible official shall be the ~~((director))~~ secretary of the ~~((highway))~~ department of transportation or his designee.

AMENDATORY SECTION (Amending Order 253, filed 5/17/76)

WAC 252-09-990 SUBSTANTIVE EFFECT OF THIS CHAPTER. (1) It is hereby declared to be the policy of the ~~((highway))~~ transportation department that significant adverse economic, social, and environmental effects relating to any proposed ~~((highway))~~ transportation department or ~~((highway))~~ transportation commission action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest, in a manner consistent with the policy statement of the ~~((highway))~~ transportation department action plan, and taking into consideration (a) the need for fast, safe, efficient, and economical transportation and public services reasonably responsive to the public's preferences, (b) the adverse environmental, social, and economic effects of the proposed action and alternative courses of action, and (c) the costs of eliminating or minimizing such adverse effects.

(2) The provisions of this chapter shall be interpreted in accord with this policy. This policy shall also govern substantive decisions made by the ~~((highway))~~ transportation commission and the ~~((highway))~~ transportation department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 252-09-205 LEAD AGENCY FOR TOLL BRIDGE AUTHORITY ACTIONS.

(2) WAC 252-09-830 DESIGNATION OF SEPA PUBLIC INFORMATION CENTER.

WSR 78-07-084
PROPOSED RULES
DEPARTMENT OF GAME
[Filed July 5, 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:

- Rep WAC 232-28-400 1977 Upland game bird and migratory waterfowl seasons.
- Rep WAC 232-28-600 1978 Game fish seasons and catch limits.
- New WAC 232-28-401 1978 Upland game bird and migratory waterfowl seasons.
- New WAC 232-28-601 Washington game fish seasons and catch limits (1979);

that such agency will at 9 a.m., Monday, August 28, 1978, in the Holiday Inn, 1700 Canyon Road, Ellensburg, WA 98926 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., Monday, August 28, 1978, in the Holiday Inn, 1700 Canyon Road, Ellensburg, WA 98926.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 28, 1978, and/or orally at 9 a.m., Monday, August 28, 1978, Holiday Inn, 1700 Canyon Road, Ellensburg, WA 98926.

Dated: July 5, 1978
By: Wallace F. Kramer
Wildlife Management Chief

NEW SECTION

WAC 232-28-401 1978 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

NEW SECTION

WAC 232-28-601 1979 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's Note: The texts and accompanying diagram comprising the 1978 Upland Game Bird and Migratory Waterfowl Seasons and the 1979 Washington Game Fish Seasons and Catch Limits proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, WA 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 78-07-085
ADOPTED RULES
DEPARTMENT OF GAME
[Order 117—Filed July 5, 1978]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the 1978 Hunting Seasons and Bag Limits, WAC 232-

28-201 and the 1978 Game Management Unit and Area Legal Descriptions, WAC 232-28-301.

This action is taken pursuant to Notice No. WSR 78-04-102 filed with the code reviser on April 5, 1978. 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).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED May 22, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-28-201 1978 HUNTING SEASONS AND BAG LIMITS.

NEW SECTION

WAC 232-28-301 1978 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS.

Reviser's Note: The text and accompanying map comprising the 1978 Hunting seasons and bag limits and the 1978 Game management unit and area legal descriptions adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, WA 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 232-28-200 1977 HUNTING SEASONS & BAG LIMITS
- (2) WAC 232-28-300 1977 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS.

WSR 78-07-086
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Order 77-12—Filed July 5, 1978]

Be it resolved by the Board of Boiler Rules, acting at Conference Room, 412, 300 West Harrison, Seattle,

WA, that it does promulgate and adopt the annexed rules relating to amending WAC 296-104-200 concerning 1977 Winter Addenda to the ASME Boiler and Pressure Vessel Code.

We, Board of Boiler Rules, 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 emergency adoption is necessary in order to up date the State of Washington Law so that it will be in accordance with the Winter of 1977 Addenda to the ASME Boiler & Pressure Vessel Code that becomes mandatory July 1, 1978.

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

This rule is promulgated pursuant to RCW 70.79.030 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 June 13, 1978.

By Taylor A. Anderson
Chairman

AMENDATORY SECTION

WAC 296-104-200 INSPECTION OF SYSTEMS—STANDARD FOR NEW CONSTRUCTION. *The standard for new construction shall be the 1977 edition of the ASME Code with all addenda made thereto prior to ((September 1, 1977)) April 1, 1978. The 1977 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in Paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions (of the code) become mandatory on issue and that subsequent addenda becomes mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME Code including semi-annual addendas will be adopted in accordance with the Administrative Procedures Act. Check with the Office of the Chief Boiler Inspector for current code date.*

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

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

WSR 78-07-087
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
 [Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 70.79 RCW, that the Board of Boiler Rules intends to adopt, amend, or repeal rules concerning amending WAC 296-104-200 concerning 1977 Winter Addenda to the ASME Boiler and Pressure Vessel Code;

that such agency will at 10:00 a.m., Tuesday, Sept. 19, 1978, in the Conference Room, 412, 300 West Harrison, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, Sept. 19, 1978, in the Conference Room, 412, 300 West Harrison, Seattle, WA.

The authority under which these rules are proposed is RCW 70.79.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Sept. 19, 1978, and/or orally at 10:00 a.m., Tuesday, Sept. 19, 1978, Conference Room, 412, 300 West Harrison, Seattle, WA.

Dated: 7/5/78
 By: John C. Hewitt
 Director

AMENDATORY SECTION

WAC 296-104-200 INSPECTION OF SYSTEMS—STANDARD FOR NEW CONSTRUCTION. The standard for new construction shall be the 1977 edition of the ASME Code with all addenda made thereto prior to (~~September 1, 1977~~) April 1, 1978. The 1977 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in Paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions (of the code) become mandatory on issue and that subsequent addenda becomes mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME Code including semi-annual addendas will be adopted in accordance with the Administrative Procedures Act. Check with the Office of the Chief Boiler Inspector for current code date.

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

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

WSR 78-07-088
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to

adopt, amend, or repeal rules concerning sale of surplus salmon eggs;

that such agency will at 10:00 a.m., Tuesday, August 15, 1978, in the General Administration Conference Room, Olympia, WA conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, August 18, 1978, in the Small Conference Room, General Admin. 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 August 15, 1978, and/or orally at 10:00 a.m., Tuesday, August 15, 1978, General Administration Conference Room, Olympia, WA.

Dated: July 5, 1978
 By: Gordon Sandison
 Director

Chapter 220-74 WAC
SURPLUS SALMON EGGS

NEW SECTION

WAC 220-74-010 PURPOSE. The purpose of this chapter shall be to establish an orderly means for the Department to dispose of surplus live salmon eggs in a manner that provides optimum benefits to the citizens of the state.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-74-015 SURPLUS SALMON EGGS. It is the duty of the department to preserve, protect, perpetuate and manage the food fish in the waters of the State so that the taking or other disposition of such food fish shall be at times and in a manner as will not impair the supply thereof. In a manner consistent with this conservation purpose, it is also the Department's duty to seek to maintain the economic well-being and stability of the commercial fishing industry of the state. It is also the duty of the Department to authorize the harvesting of salmon surplus to natural or artificial spawning requirements for the economic well-being of the citizens of the state.

NEW SECTION

WAC 220-74-020 PRIORITIES. To encourage the use of surplus salmon eggs not transferred and therefore available for sale for the benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing live salmon eggs resulting from returns to artificial production facilities:

(1) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the fishing industry in this state which owes and pays or agrees to pay and pays privilege fees and fish sales taxes as provided for in RCW 75.32.

(2) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the State of Washington.

(3) Sales to hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to the public capture fishery of the State of Washington.

(4) Sales to other state and federal and private aquaculture programs which do not meet the requirements of the first three priorities.

(5) Foreign sales.

NEW SECTION

WAC 220-74-025 PURCHASES. Purchases of surplus salmon eggs will occur within the following framework:

(1) The price of eggs sold during a spawning season will be determined by the Director after reviewing the results of an annual assessment of existing marketing conditions. The price will be the same for all purchases within the priorities.

(2) Within priority (1), requests for available eggs will be satisfied in accordance with the earliest date of receipt of the application for a salmon aquaculture permit by the Department; provided that a firm request for eggs is received prior to September 1, 1978. All firm requests for eggs received after September 1, 1978, will be satisfied in order of their receipt on an eggs-available basis.

(3) Within priority (1), up to one million eggs will be offered to the first applicant before selling eggs to the next applicant. If eggs are still available after each applicant has had an opportunity to buy one million eggs, the procedure will be repeated until all requests within this priority have been satisfied.

(4) Within priority (3), requests for eggs will be satisfied in accordance with the firm requests that have the greatest likelihood of contributing to the public capture fisheries of the State of Washington.

(5) Within priorities (4) and (5), requests for eggs will be satisfied in accordance with the earliest firm requests for eggs received.

WSR 78-07-089

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 1:30 p.m., Wednesday, August 9, 1978, in the Chamber of Commerce Building, South Bend, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, August 9, 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 August 14, 1978, and/or orally at 1:30 p.m., Wednesday, August 9, 1978, Chamber of Commerce Building, South Bend, WA.

Dated: July 5, 1978

By: Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Area 2G, 6:00 p.m. August ((21)) 20 to 12:00 midnight November 30, ((1977)) 1978.

Area 2H—6:00 p.m. September ((11)) 17 to 6:00 p.m. October ((9)) 8, and 6:00 p.m. November ((2)) 1 to 12:00 midnight November 30, ((1977)) 1978.

Areas 2J and 2K—6:00 p.m. August ((21)) 20 to 12:00 midnight November 30, ((1977)) 1978.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with

gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

Area 2G

August ((21)) 20 to September ((11)) 17, ((1977)) 1978—6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday.

September ((11)) 17 to October ((9, 1977)) 8, 1978—6:00 p.m. Sunday to 6:00 p.m. Thursday.

October ((9)) 8 to November ((2, 1977)) 1, 1978—6:00 p.m. Sunday to 6:00 p.m. Monday.

November ((2)) 1 to 12:00 midnight November 30, ((1977)) 1978—Open continuously.

Area 2H

September ((11)) 17 to October ((9, 1977)) 8, 1978—6:00 p.m. Sunday to 6:00 p.m. Thursday.

November ((2)) 1 to 12:00 midnight November 30, ((1977)) 1978—Open continuously.

Areas 2J and 2K

August ((21)) 20 to October ((9, 1977)) 8, 1978—6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday.

October ((9)) 8 to November ((2, 1977)) 1, 1978—6:00 p.m. Sunday to 6:00 p.m. Monday.

November ((2)) 1 to 12:00 midnight November 30, ((1977)) 1978—Open continuously.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR. (1) It shall be unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor Fishing Areas:

Areas 2G and 2H

For the period September ((11)) 17 to October ((9, 1977)) 8, 1978: 5-inch minimum to 7-inch maximum mesh.

For the period 12:01 a.m. November ((20)) 19 to November 30, ((1977)) 1978: 7-1/2-inch minimum mesh.

Areas 2J and 2K

For the period 12:01 a.m. November ((20)) 19 to November 30, 1977: 7-1/2-inch minimum mesh.

(2) Except as provided in subsection (1) of this section, it shall be unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

WSR 78-07-090

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning charter boat regulations;

that such agency will at 10:00 a.m., Tuesday, August 15, 1978, in the General Administration Bldg., Conference Room, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, August 18, 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 August 15, 1978, and/or orally at 10:00 a.m., Tuesday, August 15, 1978, General Administration Bldg., Conference Room, Olympia, WA.

Dated: July 5, 1978
By: Gordon Sandison
Director

NEW SECTION

WAC 220-85-210 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—APPOINTMENT, COMPOSITION, TENURE, AND COMPENSATION. The director shall appoint three-man advisory boards of review to hear cases as provided in chapter 75.30 RCW. Members shall be nominated by the charter boat fishing industry, shall serve without pay, and shall serve at the discretion of the director. Such members shall be reimbursed for subsistence and travel expenses pursuant to RCW 43.03.050 and 43.03-.060 for each day or major portion thereof spent in the performance of their duty.

NEW SECTION

WAC 220-85-220 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—DESIGNATION OF BOARD, LIST FURNISHED BY INDUSTRY. The director shall appoint and designate such advisory review boards as may be necessary from lists of persons furnished by the charter boat fishing industry the director deems qualified to serve on such a board.

NEW SECTION

WAC 220-85-230 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—SECRETARIAL AND INVESTIGATIVE ASSISTANCE, PLACE OF HEARINGS. The department shall provide the advisory review boards with such secretarial or investigative help as may be necessary to conduct the hearings and to report its decision to the director. The department shall furnish and/or arrange accommodations for the boards to conduct their hearings.

NEW SECTION

WAC 220-85-240 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—DIRECTOR'S ACTION ON SALMON LICENSE APPLICATIONS—REASONS STATED IN WRITING. Whenever the director shall reject or deny an application for a salmon charter boat license, his decision shall be in writing and give the reason(s) therefor.

NEW SECTION

WAC 220-85-250 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—WHO MAY APPEAL. Any person aggrieved by a decision of the department pursuant to chapter 75.30 RCW may voluntarily request that a board of review be impaneled to hear his case.

NEW SECTION

WAC 220-85-260 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—PROCEEDINGS TO BE INFORMAL—RULES OF EVIDENCE INAPPLICABLE—RECORD TO BE KEPT. The hearing before the advisory review board shall be informal and the rules of evidence shall not be applicable to the proceedings. A record of the proceedings shall be kept as provided by chapter 34.04 RCW.

NEW SECTION

WAC 220-85-270 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—APPEALS—REQUIREMENTS—FORM FOR APPEAL. (1) Appeals by an aggrieved person pursuant to chapter 75.30 RCW from determinations of the department shall be in writing and should include:

- (a) A concise statement of why the appeal is made;
- (b) The basis upon which the aggrieved person believes a different decision should be made; and
- (c) A statement of any other relevant facts.

(2) The appeal may be in any written form; however, the department will furnish or make available upon request a form that can be used for making appeals pursuant to the provisions of these regulations.

NEW SECTION

WAC 220-85-280 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—APPEALS—TIME FOR SCHEDULING HEARINGS—CONDUCT OF HEARINGS. Upon receipt of a written request for a hearing before an advisory review board, the department shall set the time, place, and date of hearing not later than twenty days from the time of receipt of said written request.

(1) The department shall inform all parties as to the date, time and place of hearing at least seven days prior to the hearing, except that the board can by agreement or for good cause shown shorten the notice requirement.

(2) The hearing before the advisory review board shall be informal and it shall:

- (a) Have authority to continue or adjourn the proceedings as circumstances may require; and
- (b) Permit oral or written argument.

NEW SECTION

WAC 220-85-290 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—DECISIONS BY ADVISORY REVIEW BOARD—FORM AND CONTENT. (1) The advisory review board shall inform in writing both the director and the initiating party of whether or not the board agrees or disagrees with the department's decision, and shall state the reasons for such agreement or disagreement.

(2) The decision of the advisory review board shall, except where there may be extenuating circumstances, be made within five days from the conclusion of the hearing.

NEW SECTION

WAC 220-85-300 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—DECISION ON APPEAL BY DIRECTOR. (1) Upon receipt of the advisory review board's findings, the director, at his discretion, may either uphold or reverse the department's action.

(2) The decision of the director shall, except when there may be extenuating circumstances, be in writing and mailed to the appealing party within five days from the date the director receives the findings and decision of the board.

NEW SECTION

WAC 220-85-310 SALMON CHARTER BOAT MORATORIUM ADVISORY REVIEW BOARD—APPEALS—INFORMATION PROCEDURES OPTIONAL. Pursuant to the provisions of chapter 75.30 RCW, an aggrieved person rather than proceeding under the informal procedure provided for in WAC 220-85-210 through 220-85-300 can proceed under chapter 34.04 RCW (Administrative Procedure Act) and the procedural rules for appeal and hearing thereunder applicable to all state agencies as provided for in WAC 1-08-010 through 1-08-590 will govern proceedings initiated thereunder.

WSR 78-07-091

NOTICE OF PUBLIC MEETINGS PLANNING AND COMMUNITY AFFAIRS AGENCY [Memorandum, Director—July 5, 1978]

The State Head Start Advisory Council will meet on August 24 and 25, 1978, at 9:00 a.m. at the Sea-Tac Hyatt House. For further information, contact Juanita Davis, Office of Economic Opportunity, Planning and Community Affairs Agency, Olympia, Washington 98504, (206) 753-4454.

WSR 78-07-092
PROPOSED RULES
SECRETARY OF STATE
 [Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning candidates' pamphlet statements and photographs, deadlines for submission, specifications for length and style, standards for editing and procedures for rejection;

that such agency will at 11:00 am, Tuesday, August 8, 1978, in the Office of the Secretary of State, Legislative Bldg., Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00, Tuesday, August 8, 1978, in the Office of the Secretary of State, Legislative Building, Olympia.

The authority under which these rules are proposed is RCW 29.04.080 and 29.80.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 7, 1978, and/or orally at 11:00, Tuesday, August 8, 1978, at the Office of the Secretary of State, Legislative Bldg., Olympia.

Dated: July 5, 1978
 By: Carmela M. Bowns
 Asst. Secretary of State

NEW SECTION

WAC 434-80-010. DEADLINE FOR SUBMISSION OF STATEMENTS AND PHOTOGRAPHS. Statements and photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be filed in the office of the secretary of state not later than the Friday prior to the state primary held pursuant to RCW 29.13.070. Statements or photographs received after this date will not be published.

NEW SECTION

WAC 434-80-020. REJECTION OF STATEMENT OR PHOTOGRAPH. Any statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which, in the opinion of the secretary of state, contains any obscene, profane, libelous, or defamatory matter or any language or matter the circulation of which by mail is prohibited by federal law shall be rejected. Any photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance shall be rejected. Within five days of the rejection of a statement or photograph, the candidate may appeal such rejection to a board of review consisting of the governor, lieutenant governor, and attorney general. The decision of the board to accept or reject the statement or photograph shall be final.

NEW SECTION

WAC 434-80-030. PHOTOGRAPHS. Photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be no more than five years old. Such photographs shall be of the head and shoulders only and shall be no larger than six inches by nine inches or smaller than four inches by six inches.

NEW SECTION

WAC 434-80-040. LENGTH OF STATEMENTS. The maximum number of words for statements of candidates to be published in the official candidates' pamphlet pursuant to RCW 29.80.040 shall be determined according to the office sought as follows:

OFFICE	WORDS
State representative	100
State senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner.	200
Governor, United States representative, and United States senator.	300

If a statement contains more than the maximum number of words permitted for that particular office, all material after the last complete sentence which is not in excess of the maximum length, counting from the beginning of the statement, will be omitted in the publication of the official candidates' pamphlet.

NEW SECTION

WAC 434-80-050. RESTRICTIONS ON STYLE FOR CANDIDATES' STATEMENT. The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be of substantially similar format and style. To promote such consistency:

- 1) all statements shall be typeset in block paragraph style without tabs; lists, or other material requiring multiple indentation; and
- 2) words or other material which are underlined, in italics, or all in upper case letters will be typeset in italics.

NEW SECTION

WAC 434-80-060. CONTENT OF STATEMENTS FOR CANDIDATES' PAMPHLET. The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be morphologically and syntactically accurate. To promote such accuracy:

- 1) all statements submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be typewritten on plain sheets of white paper measuring eight and one-half inches by eleven inches and containing the name and telephone number of the candidate;
- 2) the secretary of state shall not make any change in the content of any statement submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80-020 which alters the meaning or substance of the statement; and
- 3) the secretary of state shall correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement of that candidate or confuse the voter.

NEW SECTION

WAC 434-80-070. EDITING AND REVIEW. If the secretary of state finds it necessary to make changes in the length or format of a statement or corrections in grammar, spelling, or punctuation in the text of a statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 on or before the third Friday prior to the state primary held pursuant to RCW 29.13.070, a proof copy of the statement to be published showing the changes in length or format shall be sent to the candidate at the address on his or her declaration of candidacy. Candidates who submit statements after the third Friday prior to the state primary held pursuant to RCW 29.13.070 will not be notified of changes in the length or format of their statements or of other corrections made pursuant to WAC 434-80-040, WAC 434-80-050, and WAC 434-80-060.

WSR 78-07-093
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of

Public Instruction intends to adopt, amend, or repeal rules concerning the availability and regulation of special education programs and services for eligible handicapped students in public and private schools. The proposed rules constitute a complete and substantial rewrite of the current state special education rules. They are intended to implement both the state handicapped education law (chapter 28A.13 RCW) and the new federal Education for all Handicapped Children Act (P.L. 94-142 as implemented by the federal rules, 45 CFR 121a.1 et seq.). The new provisions and the provisions of the current state rules to be retained include, but are not limited to, the following general subject matters: (1) State Advisory Council; (2) Definitions of General Application—Definitions of "assessment," "consent," "handicapped child," "parent," and "school district."; Definition of "special education"; and Definition of "related services"; (3) Eligibility Criteria for Handicapped Children—Children's rights to special education programs; Behavioral disability—definition—eligibility criteria; Communication disorders—definition—eligibility criteria; Gross motor and orthopedically handicapped—definition—eligibility criteria; Health impaired—definition—eligibility criteria; Learning/language disability—definition; Learning/language disability—eligibility criteria; Mental retardation—mildly retarded—definition—eligibility criteria; Mental retardation—moderately retarded—definition—eligibility criteria; Mental retardation—severely and profoundly retarded—definition—eligibility criteria; Mental retardation—IQ eligibility range variation; Multiple handicapped—definition—eligibility criteria; Neurological impairment—definition—eligibility; and Sensory handicapped—definition—eligibility criteria; (4) Assessments—Child as focus of concern—preassessment procedures—timeline; General areas of assessment; General assessment personnel, materials and report requirements; Learning/language disabled children—additional assessment team members—classroom observations; Learning/language disabled children—written report of assessment team; Speech impaired children—assessment; Medical evaluation; Analysis of assessment data; and Independent educational assessment. (5) Individualized Education Programs—Meetings; and Individualized education program; (6) Placements—Initial educational placement—notice—consent; Least restrictive alternative; Regular education program option; Resource program option; Self-contained program options; and Other program placement options; (7) Annual Review of Placements—Periodic Reassessment—Annual placement evaluation—periodic reassessments—program improvement; (8) Notice Requirements—General—When notice must be given; and Contents of notice; (9) Hearings—General—Use of hearing as a last resort; Right to initiate—purposes; Hearing officers—selection and expenses of—parent assistance; Hearing rights; Timeline for hearing officer's decision—time and place of hearing; and Final decision—appeal; (10) Appeals—Appeals to the superintendent of public instruction; and Timeline for reviewing officer's decision—time and place of hearings—final decision; (11) Placement of Child During Administrative/Judicial Proceedings—Child's status

during hearing and state or judicial review processes; (12) Surrogate Parents; (13) Records—Definition of "education records: as used in records rules; Definitions used in records rules—"destruction"—"eligible student"—"native language"—"parent" and "participating agency"; Access Rights; Record of access; Records on more than one child; List of types and locations of information; Fees; Amendment of records at the request of a parent or eligible student; Hearing procedures regarding records; Consent; Safeguards; and Destruction of information; (14) Contractual Services—Contractual services; Approval of nonpublic school agencies; School district responsibility when contracting for placement in a nonpublic school agency; and Out of state agencies; (15) Private School Students—Definition—"private school handicapped student"; School district responsibility for private school handicapped students; Determination of needs, number of children, and types of services; Service arrangements; Personnel in private schools and agencies; Equipment—construction; Prohibition of segregation; Funds and property not to benefit private schools; and Existing level of instruction; (16) Annual School District Application/Requirements—State Monitoring—Annual applications—contents; Denial of application—opportunity for hearing; and Monitoring; (17) Miscellaneous Program Requirements—Staff qualifications; Transportation; Facilities; Materials and Equipment; Program length; and Administration of medication; (18) Audits—Withholding and Recovery of Funds—Definition of "unlawfully received or expended funds"; Audits; Fund withholding; Fund withholding to enforce parent appeal decision; and Recovery of funds; (19) Citizen Complain Process—Right to register and process complaints; Designation of responsible school district employee; School district investigation of and response to complaints; Appeal to the superintendent of public instruction; and Actions in response to notices of appeal;

that such agency will at 9:00 a.m., Monday, August 28, 1978, in the 4th floor Bd. Rm., Old Capitol Building, Washington and Legion, Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 6, 1978, in the Deputy Supt's. Conf. Rm., Washington and Legion, Old Capitol Bldg., Olympia.

The authority under which these rules are proposed is RCW 28A.13.010 and 28A.13.020(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 28, 1978, and/or orally at 9:00 a.m., Monday, August 28, 1978, 4th floor Bd. Rm., Old Capitol Building, Washington and Legion, Olympia.

Dated: July 5, 1978

By: Frank B. Brouillet
Superintendent of Public Instruction

PURPOSE

NEW SECTION

WAC 392-171-300 PURPOSES. The purposes of this chapter are:

(1) To implement chapter 28A.13 RCW in a manner that is compatible also with the Education for all Handicapped Children Act (P.L. 94-142);

(2) To assure that all handicapped children as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;

(3) To assure that the rights of handicapped children and their parents are protected;

(4) To assist school districts and others to provide for the education of all handicapped children; and

(5) To assess and assure the effectiveness of efforts to educate handicapped children.

STATE ADVISORY COUNCIL

NEW SECTION

WAC 392-171-305 ADVISORY COUNCIL. (1) Council established—The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet every handicapped child's unique needs and ability.

(2) Membership—The membership of the council shall include at least one representative of each of the following groups or entities:

- (a) Handicapped individuals;
- (b) Teachers of handicapped children;
- (c) Parents of handicapped children;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving handicapped children;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) Medical profession; and
- (m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) Functions—The council's purposes are:

(a) To advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of handicapped children;

(b) Comment publicly on the state's annual program plan, state rules regarding the education of handicapped children and the procedures for distribution of funds; and

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization—The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: PROVIDED, That the superintendent of public instruction or his or her designee has given prior approval for such appointments.

DEFINITIONS OF GENERAL APPLICATION

NEW SECTION

WAC 392-171-310 DEFINITIONS OF "ASSESSMENT," "CONSENT," "HANDICAPPED CHILD," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:

(1) "Assessment" means procedures used in accordance with WAC 392-171-400 through 392-171-430 and 392-171-480(2) to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

(2) "Consent" means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(3) "Handicapped child" means a person under the age of twenty-one who has one or more of the disabilities set forth in WAC 392-171-330 through 392-171-390.

(4) "Parent" means a parent, guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with WAC 392-171-540. The term does not include the state if the child is a ward of the state.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more handicapped children; and

(c) Each public or private person, organization, or entity that provides special education or related services to one or more handicapped children in behalf of a public school district—Even though a school district, such an educational service district, or such a public or private person, organization, or entity does not receive P.L. 94-142 funds.

NEW SECTION

WAC 392-171-315 DEFINITIONS OF "SPECIAL EDUCATION." As used in this chapter "special education" means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes speech pathology, or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child.

The terms in the definition of "special education" are defined as follows:

(1) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.

(2) "Physical education" means the development of:

(a) Physical and motor fitness;

(b) Fundamental motor skills and patterns; and

(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(3) "Career development" means a program of instruction infused into a child's basic education program which consists principally of occupational preparation. "Occupational preparation" means a continuum of instruction, from preschool through secondary, that evolves from awareness stages through exploratory and preparatory activities which lead to experiences such as instruction in a vocational-technical institute, a sheltered workshop, a community college, or a community placement.

(4) "Vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

NEW SECTION

WAC 392-171-320 DEFINITION OF "RELATED SERVICES." As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

The terms used in the definition of "related services" are defined as follows:

- (1) "Audiology" includes:
 - (a) Identification of children with hearing loss;
 - (b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
 - (c) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
 - (d) Creation and administration of programs for prevention of hearing loss;
 - (e) Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and
 - (f) Determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- (2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
- (3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- (4) "Medical services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.
- (5) "Occupational therapy" includes:
 - (a) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
 - (b) Improving ability to perform tasks for independent functioning when functions are impaired or lost; and
 - (c) Preventing, through early intervention, initial or further impairment or loss of function.
- (6) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.
- (7) "Physical therapy" means services provided by a qualified physical therapist.
- (8) "Psychological services" include:
 - (a) Administering psychological and educational tests, and other assessment procedures;
 - (b) Interpreting assessment results;
 - (c) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
 - (d) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and
 - (e) Planning and managing a program of psychological services, including psychological counseling for children and parents.
- (9) "Recreation" includes:
 - (a) Assessment of leisure function;
 - (b) Therapeutic recreation services;
 - (c) Recreation programs in school and community agencies; and
 - (d) Leisure education.
- (10) "School health services" means services provided by a qualified school nurse or other qualified person.
- (11) "Social work services in schools" include:
 - (a) Preparing a social or developmental history on a handicapped child;
 - (b) Group and individual counseling with the child and family;
 - (c) Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and
 - (d) Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.
- (12) "Speech pathology" includes:
 - (a) Identification of children with speech or language disorders;
 - (b) Diagnosis and appraisal of specific speech or language disorders;
 - (c) Referral for medical or other professional attention necessary for the habilitation of speech or language disorders;
 - (d) Provisions of speech and language services for the habilitation or prevention of communicative disorders; and
 - (e) Counseling and guidance of parents, children, and teachers regarding speech and language disorders.

ELIGIBILITY CRITERIA FOR HANDICAPPED CHILDREN

NEW SECTION

WAC 392-171-325 CHILDREN'S RIGHTS TO SPECIAL EDUCATION PROGRAMS. (1) Each school district shall provide every handicapped child of common school age a free and appropriate educational program consisting of special education and related services. Common school age is age five to age twenty-one. School districts, however, may offer preschool programs for any handicapped child without being obligated to extend preschool programs to nonhandicapped children. If a school district offers preschool as part of its regular program every handicapped child of the same age shall be provided such services by the district.

(2) Any child made a focus of concern or who is reassessed after November 1, 1976, shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal (i.e., P.L. 94-142) excess cost funding. A handicapped child shall remain eligible for special education and related services until the goals established in his or her individualized education program have been reached, the child has met normal high school graduation requirements established by the school district pursuant to rules of the state board of education, or the child has reached age twenty-one.

(3) Any child whose eligibility was established pursuant to the eligibility requirements of this chapter as they existed prior to November 1, 1976, shall continue to be eligible until September 1, 1978, subject to reassessment pursuant to the eligibility requirements of this chapter as now or hereafter amended.

(4) Children age three and above may be included in special education programs at the discretion of the school district as long as they meet the disability definitions and criteria specified in this chapter. Children who are below age three may be eligible for special education and related services at the discretion of the school district when the district has determined that the child has one or more of the following conditions:

- (a) Multiple handicap;
- (b) Gross motor impairment;
- (c) Sensory impairment; or
- (d) Moderate or severe mental retardation.

NEW SECTION

WAC 392-171-330 BEHAVIORAL DISABILITY—DEFINITION—ELIGIBILITY CRITERIA. A behaviorally disabled child is one who demonstrates an observable, generalized behavioral pattern which markedly interferes with the normal educational processes of the child to such a degree that standard alternatives within the regular program have shown to be ineffective.

Eligibility criteria: To be eligible for special education services, the assessment process shall include:

(1) A statement of behavioral disability by a licensed or certificated psychologist, psychiatrist, or physician. Such statement shall include a description of the specific behavior(s) which interfere(s) with the normal educational processes of the child.

(2) An educational plan specifying social and academic goals based on the specific behaviors listed in the assessment.

Children with common disciplinary and/or developmental problems and children whose major problems are served in another disability category do not qualify as behaviorally disabled.

NEW SECTION

WAC 392-171-335 COMMUNICATION DISORDERS—DEFINITION—ELIGIBILITY CRITERIA. A child with a communication disorder shall be one of the following:

(1) A child with a voice handicap who has an excess or deficiency in pitch, intensity, or quality;

(2) A child who has a deficiency in fluency which may or may not be accompanied by facial grimaces and/or excessive extraneous movements;

(3) A child with an articulation handicap who has a deficiency in his or her ability to say sounds in conversational speech which is not consistent with his or her chronological and/or mental age; or

(4) A child with a language handicap who has a deficiency which is not consistent his or her chronological and/or mental age in one or all of the following areas:

- (a) A deficiency in encoding (expression) skills to communicate information;
- (b) A deficiency in decoding (reception) skills to gain information through visual or auditory channels; or

(c) A deficiency in organizing information.

Eligibility criteria: The decision of a communication disorders specialist shall be documented, based on diagnostic findings, and consistent with this section. In voice disorders involving hoarseness, a physician's diagnosis shall also be obtained.

NEW SECTION

WAC 392-171-340 GROSS MOTOR AND ORTHOPEDICALLY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA. Gross motor and orthopedically handicapped children are those children who lack normal function due to abnormalities of the muscles, joints, or bones or due to abnormal functioning of such systems secondary to or due to neurologic or other conditions as certified by a physician.

Eligibility criteria: Any child who is unable to attend regular classes with safety and profit because of the nature of his or her handicap is eligible for enrollment in a special education program upon the recommendation of a physician and with the approval of the school district's director of special education.

NEW SECTION

WAC 392-171-345 HEALTH IMPAIRED—DEFINITION—ELIGIBILITY CRITERIA. Health impaired children are those who have chronic defects or disease due to such factors as infection, injury, metabolic disorder, growth or nutrition, neoplasm, or congenital malformation. Health impaired children include children with acquired or congenital heart disease, other disorders of the cardiorespiratory system, or disorders of the central nervous system.

Eligibility criteria: A physician's statement indicating the need for special education consideration is required.

NEW SECTION

WAC 392-171-350 LEARNING/LANGUAGE DISABILITY—DEFINITION. Learning/language disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a learning/language disability is indicated by near average, average, or above average intellectual ability, but nonetheless the child demonstrates significant performance deficits in one or more of the following:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning;

PROVIDED, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

A learning/language disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia provided the child meets the eligibility criteria set forth in WAC 392-171-355.

NEW SECTION

WAC 392-171-355 LEARNING/LANGUAGE DISABILITY—ELIGIBILITY CRITERIA. Each of the three conditions that follow must be met in order for a child to be eligible for inclusion in learning/language disability programs paid for by state or federal excess cost funds.

(1) The child shall have significant deficits in visual and/or auditory functioning (including discrimination, memory, and integrations in visual-auditory and/or motor functioning): PROVIDED, That neither the visual nor the auditory deficit is required as a condition to the eligibility of secondary students. These perceptual/cognitive defects shall be verified by an assessment which shows a delay of one year or more at or below the first and second grade levels, a two year or more delay at the third and fourth grade levels, and a three year or more delay at

the fifth grade level and beyond and/or a score of -2 standard deviations below the child's potential in one or more of the following areas:

- (a) Visual processing:
 - (i) perception (discrimination and closure);
 - (ii) memory;
 - (iii) association; and
 - (iv) integration;
- (b) Auditory processing:
 - (i) perception (discrimination and closure);
 - (ii) memory;
 - (iii) association; and
 - (iv) integration;
- (c) Haptic processing:
 - (i) kinesthetic; and
 - (ii) tactile;
- (d) Language:
 - (i) reception; and
 - (ii) expression;
- (e) Sensory integration/association:
 - (i) visual-motor;
 - (ii) visual-auditory (vocal);
 - (iii) auditory-motor; and
 - (iv) auditory-vocal.

(2) The child shall have significant deficits in one or more of the following areas as verified by administering one or more tests designed to measure such skills:

- (a) Oral expression;
- (b) Listening comprehension;
- (c) Written expression;
- (d) Basic reading skill;
- (e) Reading comprehension;
- (f) Mathematics calculations; and
- (g) Mathematics reasoning.

A significant deficit is indicated by test scores showing that the child is one year or more below his or her potential at or below the first and second grade levels, two years or more below at the third and fourth grade levels, and three years or more below at or beyond the fifth grade level: PROVIDED, That a child shall be eligible for special education and related services only with respect to the area or areas in which the child functions at a level below the eighth grade.

(3) The child does not qualify for placement in any other disability category set forth in this chapter.

NEW SECTION

WAC 392-171-360 MENTAL RETARDATION—MILDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA. Mildly retarded children are those who demonstrate general subaverage functioning and whose growth of performance indicates a need for a special education program designed to meet their individual needs.

Eligibility criteria: Assessment and recommendation for placement in classes for the mildly retarded shall include the following criteria and screening for other handicapping condition(s):

- (1) I.Q. range from approximately fifty-one through seventy-five as interpreted by a qualified psychologist; and
- (2) Any two of the following conditions:
 - (a) Academic behavior equal to one-half or less of expected grade level;
 - (b) Demonstrated ability to learn basic academic skills and to become socially and economically independent at adult level;
 - (c) Social and adaptive behavior equal to one-half to three-fourths chronological age; and
 - (d) Expressive and receptive language development equal to two-thirds or less of chronological age.

NEW SECTION

WAC 392-171-365 MENTAL RETARDATION—MODERATELY RETARDED—DEFINITION—ELIGIBILITY CRITERIA. Moderately retarded children are those who demonstrate subaverage intellectual and social functioning to such an extent that they are ineligible for classes for mildly mentally retarded.

Eligibility criteria: Assessment and recommendation for placement in classes for the moderately mentally retarded shall include the following criteria and screening for other handicapping condition(s):

- (1) I.Q. range from approximately thirty to fifty as interpreted by a qualified psychologist; and
- (2) Any one of the following:

(a) Academic development at a rate of one-third to one-half of chronological age;

(b) Student will not be totally dependent, require nursing care throughout his or her life, or require close supervision; and

(c) Growth of performance indicating ability to learn self-care skills.

NEW SECTION

WAC 392-171-370 MENTAL RETARDATION—SEVERELY AND PROFOUNDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA. Severely and profoundly retarded children are those who because of profound subaverage intellectual and social development are ineligible for programs for the moderately mentally retarded.

Eligibility criteria: Assessment and recommendation for placement in classes for the severely mentally retarded shall consist of the following criteria and screening for other handicapping condition(s):

(1) I.Q. range approximately thirty or below as interpreted by a qualified psychologist; and

(2) Any one of the following:

(a) Minimal ability to acquire basic academic and self-help skills; and

(b) Student will require close supervision throughout his or her life.

NEW SECTION

WAC 392-171-375 MENTAL RETARDATION—I.Q. ELIGIBILITY RANGE VARIATION. The I.Q. eligibility ranges specified in WAC 392-171-360, 392-171-365, and 392-171-370 may vary by one-half standard deviation if a qualified psychologist so documents in writing with the approval of the school district special education director as provided for in WAC 392-171-430 the reasons for placement in a particular special education program: PROVIDED, That any student placed in a special education program for mildly retarded students whose I.Q. score is above seventy-five must meet at least three of the four conditions specified in WAC 392-171-360(2): PROVIDED FURTHER, That special care shall be taken to account for the cultural biases, if any, of the measurement instruments.

NEW SECTION

WAC 392-171-380 MULTIPLE HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA. A child shall be considered multiple handicapped when two or more handicapping conditions are present, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation.

Eligibility criteria: Children shall qualify as multiple handicapped only when the resultant overall deficit is profound and when the following conditions are identified and documented:

(1) Mental retardation; and

(2) One or more the following:

(a) Gross motor and orthopedically impaired;

(b) Hearing impaired; and

(c) Blind.

In addition to the above, appropriate professional diagnosis and documentation of the severity of each handicapping condition is required.

Multiple handicapped children are not eligible for placement in a resource program.

NEW SECTION

WAC 392-171-385 NEUROLOGICAL IMPAIRMENT—DEFINITION—ELIGIBILITY. Neurological impaired children are those who have an observable impairment of the central nervous system as indicated by a neurological and psychological assessment which establishes an educationally significant deficit in various combinations of the following areas:

(1) Motor;

(2) Sensory-motor;

(3) Perceptual;

(4) Cognitive; and

(5) Behavior.

These deficits shall not be secondary to general mental retardation, general motor handicaps, sensory impairment, or serious behavioral disability.

Eligibility criteria: A child must be diagnosed as neurologically impaired. For the purpose of this section, "educationally significant deficit" means an academic deficiency of two or more years.

NEW SECTION

WAC 392-171-390 SENSORY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA. Sensory handicapped children are as follows:

(1) Hearing impaired (accepted term covering both deaf and hard of hearing children). Definition: A child shall be judged educationally hearing impaired if he or she is in need of supportive services because of a hearing loss.

Eligibility criteria: The child has a determined organic hearing loss in excess of 30 db. better ear average in the speech range (500, 1000, 2000 Hz), unaided, and is in need of the support services.

(2) Partially sighted. Definition: A partially sighted child is one with eye difficulties which are not sufficiently amenable to correction or treatment to enable the child to advantageously use supplies and equipment provided for the student with normal vision.

Eligibility criteria: A child is eligible when his or her visual acuity is between 20/70 and 20/200 in the better eye after correction or upon the recommendation of a qualified eye specialist.

(3) Blind. Definition: A blind child is one whose vision after correction is less than 20/200 in the better eye.

Eligibility criteria: A child whose vision is less than 20/200 or who has the recommendation of an eye physician is eligible for classes for the blind.

ASSESSMENTS

NEW SECTION

WAC 392-171-395 CHILD AS FOCUS OF CONCERN—PREASSESSMENT PROCEDURES—TIMELINE. (1) A child shall become a focus of concern for special education when the child is brought to the attention of a school district superintendent or his or her designee because of a suspected handicapping condition(s). Such concern for a child may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, authorized screening procedures, and other identified, interested persons.

(2) When the possibility of a child's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act immediately and directly on the referral as follows:

(a) Immediately record the circumstance by date, origin, and reason for concern and provide the child's parent(s) a written notice in accordance with WAC 392-171-490; and

(b) Request the parent(s) to consent to a preplacement assessment of the child.

(3) When either:

(a) Written consent has been given by the parent(s) for the district to make an assessment of the child; or

(b) The refusal of the child's parent(s) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-500 et seq., the child is then eligible for services of approved special education personnel and other contracted assessment needs.

(4) The superintendent or his or her designee within thirty school days after the date of "consent" pursuant to subsection (3) of this section, shall review the referral, collect, and examine existing school, medical and other records in the possession of the school district and make a determination that the child is or is not in need of further assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. If the decision is that further assessment is not needed, the superintendent of his or her designee shall, within ten school days after the date of such decision, direct a written notice to the child's parent(s) and, if a different person, to the referral source which sets forth the following decision and information:

(a) That the child specified in the notice is not in need of further assessment;

(b) The date and name of the person making the decision; and

(c) An explanation of the reasons and/or facts in support of the decision.

(5) In the event the decision is that further assessment is necessary, the child shall be fully assessed within thirty school days after the date of such decision or within such other time period as may be agreed to by the parent(s) and school authorities.

NEW SECTIONWAC 392-171-400 GENERAL AREAS OF ASSESSMENT.

The assessment of a child (except one with a suspected speech impairment) shall be in all areas related to the suspected disability including, but not be limited to, the following categories:

(1) Scholastic. This area shall include assessment of the intellectual, language and communication, academic and self-help skill status of the child.

(2) Physical. This area shall include a review of the general health status of the child, with particular attention to the visual, hearing, musculo-skeletal, neurological, and developmental modalities.

(3) Adjustment. This area shall include assessment of the social skills and emotional status of the child.

NEW SECTION

WAC 392-171-405 GENERAL ASSESSMENT PERSONNEL, MATERIALS AND REPORT REQUIREMENTS. (1) The assessment of a child (except one with a suspected speech impairment) shall be made by a multidisciplinary team or group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(2) No single test instrument or single procedure shall be the sole criterion for determining the appropriate educational program for a child.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures, or instruments shall be provided and administered in a child's primary language or mode of communication, unless it is clearly not feasible to do so.

(5) Assessment data shall be summarized in writing, dated, and signed by a designated multidisciplinary team member. Information used to support the assessment, but which is not incorporated into the file, shall be noted, e.g., review of health record, number of identified problems, etc. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the child's instructional program.

NEW SECTION

WAC 392-171-410 LEARNING/LANGUAGE DISABLED CHILDREN—ADDITIONAL ASSESSMENT TEAM MEMBERS—CLASSROOM OBSERVATION. (1) In assessing a child suspected of having a learning/language disability, in addition to the requirements of WAC 392-171-400 and 392-171-405, each school district shall include on the multidisciplinary assessment team:

(a) The child's regular teacher; or

(b) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

(c) For a child of less than school age, an individual trained in early childhood education designated by the school district; and

(d) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, communication disorder specialist, or remedial reading teacher.

(2) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

(3) In the case of a child of less than school age or a child who is not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

NEW SECTION

WAC 392-171-415 LEARNING/LANGUAGE DISABLED CHILDREN—WRITTEN REPORT OF ASSESSMENT TEAM. In the case of a child suspected of having a learning/language disability, the assessment team shall prepare a written report of the results of the assessment, as follows:

(1) The report shall include a statement of:

(a) Whether the child has a learning/language disability;

(b) The basis for making the determination;

(c) The relevant behavior noted during the observation of the child;

(d) The relationship of that behavior to the child's academic functioning;

(e) The educationally relevant medical findings, if any; and

(f) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(2) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s).

NEW SECTION

WAC 392-171-420 SPEECH IMPAIRED CHILDREN—ASSESSMENT. Children who are suspected of having a speech impairment as their primary handicap shall be assessed by a qualified speech-language professional who shall use procedures appropriate for the diagnosis and appraisal of speech-language disorders. The child shall be referred for additional assessments needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC 392-171-405(5).

NEW SECTION

WAC 392-171-425 MEDICAL EVALUATION. (1) A medical evaluation is required when:

(a) A child under consideration as a possible handicapped child is suspected of having a health problem that may affect his or her education program; or

(b) A medical evaluation is necessary to determine whether or not a child has a handicapping condition.

(2) Medical evaluations at the expense of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC 392-171-435); and

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the qualifications of the medical examiner.

NEW SECTION

WAC 392-171-430 ANALYSIS OF ASSESSMENT DATA. (1) The leader of a child's assessment team designated by the school district superintendent or his or her designee shall analyze the summary of assessment data provided for in WAC 392-171-405(5) and summarize his or her conclusions, recommendations, and the facts and/or reasons therefor, in writing. Such assessment results shall:

(a) Identify the disability condition(s), if any, that qualifies the child as a handicapped child; and

(b) Set forth the nature and extent of the special education and related services that the child needs, if any.

(2) The summary of assessment results shall be of sufficient scope and detail to also document:

(a) The test results and other facts necessary to a determination of the child's qualification or lack of qualification as a handicapped child; and

(b) Any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(3) The summary of assessment results shall be signed and dated by both the team leader and the school district's special education director: PROVIDED, That in large school districts in which the acquisition of the director's signature would be unfeasible in all cases, a designee of the director may sign such summaries with the prior permission of the superintendent of public instruction or his or her designee.

NEW SECTION

WAC 392-171-435 INDEPENDENT EDUCATIONAL ASSESSMENT. (1) General.

(a) The parent(s) of a child has the right to obtain an independent educational assessment of the child, subject to subsections (3) through (5) of this section.

(b) Each school district shall provide to parents, on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent.

(2) For the purpose of this section "assessment results" means the determination of the child's handicapping condition or lack thereof and the determination of the nature and extent of the child's need for special education and related services. The term does not include such other determinations as are required to be made in the development of a child's individualized education program or his or her education placement.

(3) Parent right to assessment at public expense. A parent has the right to an independent educational assessment at public expense if the parent disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC 392-171-500 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) written notice of the election to initiate a hearing, no later than the tenth day after the date of receipt of the parent's notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-500 et seq. is that the school district's assessment is appropriate, the parent still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing, or is not upheld by the final decision, the parent's request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(4) Parent initiated assessment. If the parent obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the child; and

(b) May be presented as evidence at such hearings regarding that child as may be conducted pursuant to WAC 392-171-500.

(5) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

INDIVIDUALIZED EDUCATION PROGRAMS

NEW SECTION

WAC 392-171-440 MEETINGS. (1) A meeting shall be held within thirty days after the date upon which a child's assessment is completed for the purpose of developing the child's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district who has the responsibility to provide or supervise special education programs;

(b) The child's regular classroom teacher—If the child is not in a special education program, it shall be the teacher who has the most knowledge of the child's problem, or if the child is in a special education program, it shall be the child's special education teacher;

(c) A special education teacher familiar with the child's type of disability, if not already included pursuant to (b) above;

(d) One or both of the parents, subject to subsections (2) through (5) of this section;

(e) The child, where appropriate;

(f) A member of the child's assessment team; and

(g) Other individuals at the discretion of the district or the parent, including a child's counselor.

(2) Each school district shall take steps to assure that one or both parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(7) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each child's individualized education program. Meetings may be held more frequently.

NEW SECTION

WAC 392-171-445 INDIVIDUALIZED EDUCATION PROGRAM. Each handicapped child's individualized education program shall include:

(1) A statement of the child's present levels of educational performance;

(2) A statement of the child's educational needs;

(3) A statement of annual goals, including short-term instructional objectives;

(4) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in the regular educational program;

(5) The projected dates for the initiation of services; and

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

The school district shall provide the parent a copy of the individualized education program.

PLACEMENTS

NEW SECTION

WAC 392-171-450 INITIAL EDUCATIONAL PLACEMENT—NOTICE—CONSENT. (1) Each school district shall provide written notice of a child's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, within ten days after the initial meeting provided for in WAC 392-171-440. The notice shall comply with the notice requirements of WAC 392-171-490.

(2) The written consent of the parent(s) shall be requested if special education placement is proposed.

(3) The child's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s); or

(b) The refusal of a child's parent(s) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-500 et seq.

NEW SECTION

WAC 392-171-455 LEAST RESTRICTIVE ALTERNATIVE.

(1) Each handicapped child shall be educated with children who are not handicapped to the maximum extent appropriate. Special classes, separate schooling or other removal of a handicapped child from the regular educational environment shall occur only when the nature or severity of his or her handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(2) Each handicapped child shall be placed in a program based upon his or her individualized education program.

(3) Where variable options are appropriate, the option selected shall be that which presents the least restrictive alternative so long as the total program plan maintains a reasonably high probability for assisting the child and consideration is given to the educational effects on the child and the quality of the services which he or she needs.

(4) Placement options shall reflect totally all possible combinations of programming which reasonably assure that a child reaches his or her stated goals.

(5) Placement options shall be determined with due regard for the child's need for physical assistance during any portion of the child's involvement in a special education program, including transportation to and from a specific program location.

(6) Proper safeguards shall be provided and exercised when the child is unable to protect his or her own welfare and/or when the welfare of other children may be threatened.

(7) Each handicapped child's educational placement shall be in the school that he or she would attend if not handicapped and as close to his or her home as possible, unless the child's individualized education program requires some other arrangement.

NEW SECTION

WAC 392-171-460 REGULAR EDUCATION PROGRAM OPTION. (1) A handicapped child shall remain in the regular classroom program if the goals which have been established for the child can be obtained satisfactorily through the combined effort of regular education, special education, and related services.

(2) Related services and special materials provided for any handicapped child in the regular program shall include, but not be limited to, the services of the following specialists:

- (a) School psychologists;
- (b) Communication disorder specialists;
- (c) Occupational therapists;
- (d) Physical therapists;
- (e) Nurses;
- (f) Social workers;
- (g) Itinerant teachers and specialists; and
- (h) Any combination of the aforementioned program support personnel who can assist the child to reach his or her goals.

NEW SECTION

WAC 392-171-465 RESOURCE PROGRAM OPTION. (1) The resource program is a placement option only for handicapped children who require specialized instruction in addition to their regular classroom program. Eligible children shall receive a minimum of two hours and no more than ten hours per week of specialized instruction within a resource program. The pupil to teacher ratio (excluding itinerant teachers) for state and federal excess cost funding purposes shall be 35 to 1.

(2) Prior approval of the superintendent of public instruction or his or her designee shall be obtained before a district serves resource program eligible children by an itinerant teacher.

(3) The eligibility of a child placed in a special education resource program for state and federal excess cost funding shall cease upon the thirty-first school day after the date of such placement unless the child has been fully assessed and determined to be eligible for special education services and resource program placement.

NEW SECTION

WAC 392-171-470 SELF-CONTAINED PROGRAM OPTIONS. Self-contained educational placement options shall include, but not be limited to, the following:

(1) An educational placement that provides specialized instruction by a classroom teacher only for handicapped children who require three or more hours per day of special instruction, or, if the school day is less than three hours, all of the instructional time in that placement. Children in self-contained classes may receive any and all related services. Pupil-teacher ratios (excluding itinerant teachers) for state and federal excess cost funding purposes are as follows:

- (a) Mental retardation;
 - (i) mildly retarded—13 to 1;
 - (ii) moderately retarded—10 to 1; and
 - (iii) severely and profoundly retarded—8 to 1;
- (b) Sensory handicapped;

(i) hearing impaired (deaf and hard of hearing)—6 to 1;

(ii) partially sighted—12 to 1; and

(iii) blind—6 to 1;

(c) Gross motor and orthopedically impaired—8 to 1;

(d) Behaviorally disabled—10 to 1;

(e) Neurologically impaired—8 to 1;

(f) Learning/language disability—15 to 1;

(g) Health impaired (funding is dependent upon special program approval);

(h) Multiple handicapped—6 to 1; and

(i) Communication disorders (funding is dependent upon special program approval).

(2) Self-contained and resource program combinations may be established exclusively for handicapped children with the prior approval of the superintendent of public instruction or his or her designee. Handicapped children that require from two to ten hours of special educational instruction per week shall be counted as resource room students for funding purposes. Handicapped children that require three or more hours of instruction per day shall be counted as self-contained. Under no conditions shall a district count a child under both resource and self-contained.

NEW SECTION

WAC 392-171-475 OTHER PROGRAM PLACEMENT OPTIONS. Other program placement options shall include, but not be limited to, the following:

(1) Home/hospital instruction—Home or hospital instruction shall be provided to both handicapped children and other students who are unable to attend school for an estimated period of four weeks or more because of a physical disability or noncommunicable illness. As conditions to such services, the parent(s) of a child shall request the services and provide a written statement from the child's doctor that states the child will not be able to attend school for an estimated period of at least four weeks. A student who qualifies pursuant to this subsection shall be deemed "handicapped" for the purpose of special instructional services and funding notwithstanding the fact the student may not otherwise qualify as a handicapped child pursuant to the disability definitions and criteria set forth in this chapter. A school district shall not pay the cost of the required doctor's statement in the case of a student who does not otherwise qualify as a handicapped child pursuant to this chapter.

(2) Other contractual services (see contractual services sections WAC 392-171-605 through 392-171-620) may be established for state and federal excess cost funding purposes with the prior approval of the superintendent of public instruction or his or her designee.

(3) Institution. Children with problems so profound that twenty-four hour residential care is needed may be referred to the state department of social and health services for possible admittance.

(4) Other placement options as approved in advance by the superintendent of public instruction or his or her designee for state and federal excess cost funding purposes.

ANNUAL REVIEW OF PLACEMENTS—PERIODIC REASSESSMENT

NEW SECTION

WAC 392-171-480 ANNUAL PLACEMENT EVALUATION—PERIODIC REASSESSMENTS—PROGRAM IMPROVEMENT. (1) Annual placement review—The educational placement of each handicapped child shall be evaluated and redetermined annually.

(2) Reassessment—Each handicapped child shall be reassessed in compliance with this chapter at least once every three years, or more frequently if conditions warrant or if the child's parent(s) or teacher initiates a referral pursuant to WAC 392-171-395.

(3) Program evaluation—Each school district shall establish a simple and reliable system of evaluating the programs established for each handicapped child. Program evaluations shall be based upon a handicapped child's progress toward the accomplishment of the goals and objectives set forth in the child's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the child's individualized education program.

(4) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and

final-result stages, and the results of the evaluation shall be reported to the parent(s) consistent with policies and procedures of the school district.

(5) Program evaluations shall serve two purposes:

(a) To compare a child's measured performance with established objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

(6) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the child. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the objectives are not met.

NOTICE REQUIREMENTS—GENERAL

NEW SECTION

WAC 392-171-485 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC 392-171-490 shall be given by a school district to the parent(s) of a child a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the child or the provision of special education and related services to the child pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the child or the provision of special education and related services to the child pursuant to this chapter.

NEW SECTION

WAC 392-171-490 CONTENTS OF NOTICE. (1) The notices required by WAC 392-171-485 shall include:

(a) A full explanation of all of the procedural safeguards available to the parents that are set forth in this chapter;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(b) The parent understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection, have been met.

HEARINGS—GENERAL

NEW SECTION

WAC 392-171-495 USE OF HEARING AS A LAST RESORT. (1) The hearing rights and procedures set forth in this chapter are a last resort to the resolution of issues between parents and school districts.

(2) Parents and school districts shall make every attempt to resolve issues by communicating fully and/or through mediation before resorting to the extreme of a hearing.

(3) Mediation shall not, however, be used to deny or delay the exercise of rights granted by this chapter to any party.

NEW SECTION

WAC 392-171-500 RIGHT TO INITIATE—PURPOSES. (1) Hearings conducted in accordance with WAC 392-171-500 through 392-171-515 may be initiated in the following cases for the purposes stated:

(a) Either the parent(s) of a child or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

(i) The identification of the child;

(ii) The assessment of the child;

(iii) The educational placement of the child; or

(iv) The provision of special education and related services to the child pursuant to this chapter.

(b) Either the parent(s) of a child or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent's request to initiate or change:

(i) The identification of the child;

(ii) The assessment of the child;

(iii) The educational placement of the child; or

(iv) The provision of special education and related services to the child pursuant to this chapter.

(c) A school district may initiate a hearing to show that its assessment of a child is appropriate if the child's parent(s) disagrees with the assessment results.

(2) A request by a child's parent(s) for a hearing pursuant to this section shall:

(a) Be in writing (or it may be oral if expressly permitted by a rule of the school district);

(b) Be mailed or provided directly to the superintendent of the school district; and

(c) Explain the complaint of the parent(s) in general or specific terms.

(3) A notice of a hearing requested by a child's parent(s) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice; and

(c) The rights, procedures, and other matters set forth in WAC 392-171-505 through 392-171-535.

NEW SECTION

WAC 392-171-505 HEARING OFFICERS—SELECTION AND EXPENSES OF—PARENT ASSISTANCE. (1) If a hearing is initiated pursuant to WAC 392-171-500:

(a) The hearing shall be conducted by and at the expense of the child's resident school district;

(b) The school district shall inform the parent(s) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent requests the information; or

(ii) The school district initiates a hearing;

(c) The hearing shall be conducted by a qualified person agreed upon by the school district and the parent(s) who:

(i) Is not an employee of a school district which is involved in the education or care of the child, and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing.

(2) A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer.

(3) A hearing officer shall be selected by a third person or persons agreed upon by the school district and parent(s) if they are unable to agree upon a hearing officer within fifteen days after the date of receipt of a request for a hearing.

(4) Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified.

NEW SECTION

WAC 392-171-510 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 392-171-500 has the right to:

(a) Be accompanied and advised by counsel (including an attorney) and by persons with special knowledge or training with respect to the problems of handicapped children;

(b) Present evidence and confront and cross-examine witnesses;

(c) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

- (d) Obtain a written or electronic verbatim record of the hearing; and
- (e) Obtain written findings of fact and decisions.
- (The school district shall delete any personally identifiable information and transmit such findings and decisions to the superintendent of public instruction for submission to the state advisory council.)
- (2) Parents that are a party to a hearing have the right to:
- (a) Have the child who is the subject of the hearing present; and
- (b) Open the hearing to the public.
- (3) All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party.

NEW SECTION

WAC 392-171-515 TIMELINE FOR HEARING OFFICER'S DECISION—TIME AND PLACE OF HEARING. (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-171-500:

- (a) A final decision shall be reached based upon a preponderance of the evidence; and
- (b) A copy of the decision shall be mailed or provided directly to each of the parties.
- (2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mail or provide the decision to the parties.
- (3) A hearing officer may grant specific extensions of time beyond the period set out in this section at the request of either party.
- (4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and child involved.

NEW SECTION

WAC 392-171-520 FINAL DECISION—APPEAL. A decision made in a hearing initiated pursuant to WAC 392-171-500 is final, unless a party to the hearing appeals the decision in accordance with WAC 392-171-525.

APPEALSNEW SECTION

WAC 392-171-525 APPEALS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Any party aggrieved by the findings and decision in a hearing initiated pursuant to WAC 392-171-500 may appeal to the superintendent of public instruction: PROVIDED, That written notice of such appeal is received by the superintendent of public instruction no later than the thirtieth day after the date upon which the decision was mailed or provided directly to the appealing party. If the thirtieth day falls on a Saturday, Sunday, or state holiday, the time for receipt of notice shall be extended through the next state working day.

- (2) All notices of appeal pursuant to this section shall:
- (a) Be written;
- (b) Specify the party seeking the review;
- (c) Designate:
- (i) The alleged error(s) in the findings of fact and decision; and
- (ii) Any alleged violations of the party's procedural due process rights during the hearing;
- (d) Specify the relief requested; and
- (e) Be provided to the other party (as well as to the superintendent of public instruction).
- (3) The school district shall provide the superintendent of public instruction with the entire hearing record including a verbatim written transcript of the oral hearing proceedings within fifteen days after the date of receipt of notification that an appeal has been made to the superintendent of public instruction.
- (4) If an appeal is made in accordance with this section, the superintendent of public instruction and/or his or her designee shall conduct an impartial review of the hearing.
- (5) The superintendent of public instruction and/or his or her designee shall:
- (a) Examine the entire hearing record;
- (b) Determine whether or not the procedures at the hearing were consistent with the requirements of due process;
- (c) Seek additional evidence if necessary by remanding the matter to the school district or by other means. If a hearing is held to receive

additional evidence, the rights set forth in WAC 392-171-510 shall apply;

- (d) Afford the parties an opportunity for written argument if deemed advisable;
- (e) Make an independent decision based upon the preponderance of the evidence; and
- (f) Notify the parties of the findings and the decision in writing.
- (6) The decision made by the superintendent of public instruction and/or his or her designee is final, unless a party brings a civil action.

NEW SECTION

WAC 392-171-530 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION. (1) Not later than thirty days after the date of receipt of a notice of appeal pursuant to WAC 392-171-525:

- (a) A final decision shall be reached on the matters designated in the notice of appeal; and
- (b) A copy of the decision shall be mailed to each of the parties.
- (2) The superintendent of public instruction or his or her designee may grant specific extensions of the time period set out in this section at the request of either party.
- (3) Each hearing conducted upon remand to the school district, or otherwise conducted during the review process, shall be conducted at a time and place which is reasonably convenient to the parent(s) of the child involved.
- (4) The decision of the superintendent of public instruction or his or her designee shall be final unless modified or overturned by a court of law.

PLACEMENT OF CHILD DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGSNEW SECTION

WAC 392-171-535 CHILD'S STATUS DURING HEARING AND STATE OR JUDICIAL REVIEW PROCESSES. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-500, unless the school district and the parent(s) of the child agree otherwise, the child involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

- (2) The child, with the consent of the parent(s), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

SURROGATE PARENTSNEW SECTION

WAC 392-171-540 SURROGATE PARENTS. (1) General. Each school district providing a special education program to a handicapped child shall assure that the rights of the child are protected when:

- (a) No parent (as defined in WAC 392-171-310(4)) can be identified;
- (b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (c) The child is a ward of the state.
- (2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:
- (a) For determining whether a child needs a surrogate parent; and
- (b) For assigning a surrogate parent to the child.
- (3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:
- (a) Has no interest that conflicts with the interests of the child he or she represents; and
- (b) Has knowledge and skills that assure adequate representation of the child.
- (4) Nonemployee requirement—Compensation.
- (a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the child; and
- (b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other

agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the child in all matters relating to:

- (a) The identification, assessment, and educational placement of the child; and
- (b) The provision of free special education and related services to the child.

RECORDS

NEW SECTION

WAC 392-171-545 DEFINITION OF "EDUCATION RECORDS" AS USED IN RECORDS RULES. (1) For the purpose of WAC 392-171-555 through 392-171-600 governing handicapped student records, the term "education records" shall mean those records that:

- (a) Are directly related to a student; and
 - (b) Are maintained by a school district or by a party acting for the school district.
- (2) The term "education records" does not include:
- (a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - (i) Are in the sole possession of the maker thereof; and
 - (ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position.
 - (b) Records of a law enforcement unit of a school district which are:
 - (i) Maintained apart from the records described in subsection (1) of this section;
 - (ii) Maintained solely for law enforcement purposes; and
 - (iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: PROVIDED, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit.
 - (c) Records relating to an individual who is employed by a school district which:
 - (i) Are made and maintained in the normal course of business;
 - (ii) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (iii) Are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.
 - (d) Records relating to an eligible student which are:
 - (i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;
 - (ii) Created, maintained, or used only in connection with the provision of treatment to the student; and
 - (iii) Not disclosed to anyone other than individuals providing the treatment: PROVIDED, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district.
 - (e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni.

NEW SECTION

WAC 392-171-550 DEFINITIONS USED IN RECORDS RULES—"DESTRUCTION"—"ELIGIBLE STUDENT"—"NATIVE LANGUAGE"—"PARENT" AND "PARTICIPATING AGENCY." For the purpose of WAC 392-171-555 through 392-171-600 governing handicapped student records:

- (1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- (2) "Eligible student" means a student eighteen years of age or older who is enrolled in a school district and who has no court appointed guardian by reason of mental incompetency.

(3) "Native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act, which provides as follows:

"The term 'native language,' when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a child, the language normally used by the parents of the child."

(4) "Parent" means a parent (as defined in WAC 392-171-310(4) of a child under the age of eighteen or of a person eighteen years of age or older if such parent has been appointed as the person's guardian by reason of the mental incompetency of the person under guardianship.

(5) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter.

NEW SECTION

WAC 392-171-555 ACCESS RIGHTS. (1) Each school district shall permit parents of handicapped children (or eligible students) to inspect and review during school business hours any education records relating to their children which are collected, maintained, or used by the district under this chapter. The district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than forty-five days after the request has been made.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent (or eligible student) from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or eligible student) inspect and review the records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

NEW SECTION

WAC 392-171-560 RECORD OF ACCESS. Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, eligible students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

NEW SECTION

WAC 392-171-565 RECORDS ON MORE THAN ONE CHILD. If any education record includes information on more than one child, the parent(s) of those children (and/or eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

NEW SECTION

WAC 392-171-570 LIST OF TYPES AND LOCATIONS OF INFORMATION. Each participating agency shall provide parents and eligible students on request a list of the types and locations of education records collected, maintained, or used by the agency.

NEW SECTION

WAC 392-171-575 FEES. (1) A participating education agency may charge a fee for copies of records which are made for parents or eligible students under this chapter if the fee does not effectively prevent the parents or eligible students from exercising their right to inspect and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter.

NEW SECTION

WAC 392-171-580 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ELIGIBLE STUDENT. (1) A parent of a handicapped child or an eligible student who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the child or student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent or eligible student of the refusal and advise the parent or eligible student of the right to a hearing pursuant to WAC 392-171-585.

(4) The participating agency, on request, shall provide the parent or eligible student an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or eligible student, it shall amend the information accordingly and so inform the parent or eligible student in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child or student, it shall inform the parent(s) or eligible student of the right to place in the records it maintains on the child or student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the child or eligible student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the child or student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the child or student (or the contested portion thereof) are disclosed.

NEW SECTION

WAC 392-171-585 HEARING PROCEDURES REGARDING RECORDS. A hearing initiated pursuant to WAC 392-171-580 to challenge information in education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request; and

(2) The parent or eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-171-580 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent or eligible student writing within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

NEW SECTION

WAC 392-171-590 CONSENT. (1) Consent of a parent or eligible student shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent or eligible student except in those cases in which a release of information without consent is permitted by the rules that implement the federal Family Educational Rights and Privacy Act (the "Buckley Amendment")—45 code of federal regulations (CFR) sections 99.1 et seq. See 45 CFR 99.31 (when prior consent not required), 45 CFR 99.34 (disclosure to state and federal officials) and 45 CFR 99.36 (directory information).

NEW SECTION

WAC 392-171-595 SAFEGUARDS. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

NEW SECTION

WAC 392-171-600 DESTRUCTION OF INFORMATION. Each school district shall inform parents and eligible students when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the child or student. The information shall thereafter be destroyed at the request of the parent(s) or eligible student. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

CONTRACTUAL SERVICES**NEW SECTION**

WAC 392-171-605 CONTRACTUAL SERVICES. School districts, severally or jointly, with the prior approval of the superintendent of public instruction or his or her designee, shall be authorized to:

(1) Contract with nonpublic school agencies for special education and related services for handicapped children; and

(2) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.58.075, 28A.58.245, 28A.58.250, and chapter 392-135 WAC.

NEW SECTION

WAC 392-171-610 APPROVAL OF NONPUBLIC SCHOOL AGENCIES. A school district shall not either place a child in a nonpublic school agency or award a contract to a nonpublic school agency until the nonpublic school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) The school district shall establish that it cannot provide an appropriate education for the handicapped child within the district or another school district;

(2) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic school agency can be met and shall forward the nonpublic school agency's application to the superintendent of public instruction or his or her designee;

(3) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and

(4) The superintendent of public instruction or his or her designee shall notify the requesting school district and nonpublic school agency of approval or disapproval.

NEW SECTION

WAC 392-171-615 SCHOOL DISTRICT RESPONSIBILITY WHEN CONTRACTING FOR PLACEMENT IN A NONPUBLIC SCHOOL AGENCY. Any school district contracting with an approved nonpublic school agency for special education or related services in behalf of a handicapped child shall:

(1) Initiate and conduct a meeting with appropriate personnel and the child's parent(s) for the purpose of developing the child's individualized education program. The district shall assure that a representative of the nonpublic school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the child's individualized education program after the child has been placed shall be initiated and conducted by the nonpublic school agency at the discretion of the school district. The district shall assure that both the parent(s) and the nonpublic school agency are represented in any decision concerning the child's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name of the handicapped child (children) for whom the contract is drawn;
- (c) Location and setting;
- (d) Description of program administration and supervision;
- (e) Designation of coordinator of the services to be provided by the school district and the contractor;
- (f) Assurance of compliance with staff licensing/certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;
- (i) Starting date and duration of contract;
- (j) Program day and description of child's program;
- (k) Charges and reimbursement—Billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;
- (n) Disposition of materials and equipment upon termination;
- (o) School district's responsibility for compliance with due process, individualized educational program, and yearly review and determination of placement requirements;
- (p) Contractor's policies and procedures covering:
 - (i) care of children in emergencies;
 - (ii) fire drills;
 - (iii) personnel policies;
 - (iv) staff duties; and
 - (v) board of directors' duties and functions;
- (q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and
- (r) Signatures of authorized school and contractor officials.

NEW SECTION

WAC 392-171-620 OUT-OF-STATE AGENCIES. In the event the school district within which a handicapped child resides is unable to contract with another district, or a nonpublic school agency, or an appropriate state agency, the parent, and district may jointly petition the superintendent of public instruction or his or her designee for state and federal excess cost funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the child's placement in that program. The school district shall be responsible for:

- (1) Determining that no appropriate in-state placement option is available and for making the decision that the child should be placed in an out-of-state program;
- (2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the child; and
- (3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-171-605 through 392-171-615.

PRIVATE SCHOOL STUDENTSNEW SECTION

WAC 392-171-625 DEFINITION—"PRIVATE SCHOOL HANDICAPPED STUDENT." For the purpose of WAC 392-171-630 through 392-171-665 "private school handicapped children" means handicapped children enrolled in private schools or agencies, but not as the result of a contractual arrangement between a school district and the private school or agency.

NEW SECTION

WAC 392-171-630 SCHOOL DISTRICT RESPONSIBILITY FOR PRIVATE SCHOOL HANDICAPPED STUDENTS. (1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped children who reside in the school district.

(2) Each school district shall provide private school handicapped children with genuine opportunities to participate in special education and related services consistent with the number of those children and their needs.

NEW SECTION

WAC 392-171-635 DETERMINATION OF NEEDS, NUMBER OF CHILDREN, AND TYPES OF SERVICES. The needs of private school handicapped children, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined, after consultation with persons knowledgeable of the needs of these children, on a basis comparable to that used in providing for the participation under this chapter of handicapped children enrolled in public schools.

NEW SECTION

WAC 392-171-640 SERVICE ARRANGEMENTS. (1) Special education and related services to private school handicapped children may be provided through such arrangements as dual enrollment pursuant to chapter 392-181 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

- (a) Maintains a physical and administrative separation between the private and the public school programs; and
- (b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-181 WAC.

NEW SECTION

WAC 392-171-645 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES. (1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped child for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to children enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped children shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

NEW SECTION

WAC 392-171-650 EQUIPMENT—CONSTRUCTION. (1) Equipment used in the care of children with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and on accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

NEW SECTION

WAC 392-171-655 PROHIBITION OF SEGREGATION. Programs or projects carried out in public facilities, and involving joint participation by handicapped children otherwise enrolled in private schools or agencies and handicapped children enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the children.

NEW SECTION

WAC 392-171-660 FUNDS AND PROPERTY NOT TO BENEFIT PRIVATE SCHOOLS. Public funds provided and property derived from those funds shall not inure to the benefit of any private school or agency.

NEW SECTION

WAC 392-171-665 EXISTING LEVEL OF INSTRUCTION. Provisions for serving private school handicapped children shall not include the financing of the existing level of instruction in a private school or agency.

ANNUAL SCHOOL DISTRICT APPLICATION/REQUIREMENTS—STATE MONITORING

NEW SECTION

WAC 392-171-670 ANNUAL APPLICATIONS—CONTENTS. As a condition to the receipt of state excess cost funds or federal excess cost funds (i.e., P.L. 94-142 funds) or both, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date as shall be announced annually. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include but not necessarily be limited to the following assurance(s) and types of information:

- (1) An assurance that:
 - (a) The school district is in compliance with the provisions of this chapter and the rules implementing P.L. 94-142 (45 CFR 121a.1 et seq.) that may supplement this chapter;
 - (b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and
 - (c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;
- (2) The information and assurances required by 45 CFR 121a.220 through 45 CFR 121a.240 and any other pertinent federal rules;
- (3) A description of the organizational structure of the district's special education program including, but not limited to, a description of assigned management responsibilities;
- (4) A description of the district's special education program instructional staff by number, types, and their qualifications in accordance with WAC 392-171-675;
- (5) A description of the district's procedures for locating, identifying, and assessing handicapped children;
- (6) A description of the number and types of handicapped children within the district that require special education and related services;
- (7) A description of the district's plans and procedures for providing special education and related services to handicapped students which the district is unable to serve directly;
- (8) A description of the basis and procedures for excluding handicapped children from the district's special education program;
- (9) A description of the continuum of alternative educational placements made available to handicapped children; and
- (10) A description of the career development and vocational education programs made available to handicapped children.

NEW SECTION

WAC 392-171-675 DENIAL OF APPLICATIONS—OPPORTUNITY FOR HEARING. (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the application of a district for state or federal excess cost

funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

- (a) Intent to deny the application of the district; and
- (b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

NEW SECTION

WAC 392-171-680 MONITORING. The superintendent of public instruction or his or her designee shall annually monitor selected school districts. The purposes of monitoring shall be to:

- (1) Determine the degree of compliance with this chapter by school districts; and
- (2) Provide technical advice and assistance to the districts to assist them improve their special education programs and avoid or remedy instances of noncompliance.

MISCELLANEOUS PROGRAM REQUIREMENTS

NEW SECTION

WAC 392-171-685 STAFF QUALIFICATIONS. All employees of a school district funded in whole or part with state or federal excess cost funds shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment, and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of children with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

(5) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with handicapped children.

(6) The assignment of personnel shall be consistent with training and experience appropriate to the age level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(7) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education, only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

- (a) Is unavoidable;
- (b) Will be temporary and not extend beyond the school year for which the exception is requested, and
- (c) Will not likely result in a significant reduction in the quality of the district's special education program.

(8) Notwithstanding any staff qualification requirement of this section to the contrary, employees of a school district which possess credentials as required by the state board of education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of the district shall be deemed

qualified for purposes of state program approval so long as they continue in such employment with that particular district.

NEW SECTION

WAC 392-171-690 TRANSPORTATION. Methods. (1) Transportation options shall include the following categories and shall be exercised in the following sequence:

- (a) A scheduled school bus;
- (b) Contracted transportation, including public transportation; and
- (c) Other arrangements, including that provided by parents.

Board and room cost may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped child or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the child. The transportation of a handicapped child shall be in accordance with rules of the superintendent of public instruction.

(3) Bus aides. Funds to support bus aides may be provided subject to program approval by the superintendent of public instruction or his or her designee.

Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications as now or hereafter contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

An inventory of all such special equipment shall be maintained by each educational service district to assure full and continued use of special equipment within the educational service district or among other educational service districts.

(5) Transportation time on bus. Wherever possible, no child should be required to ride more than sixty minutes one way.

(6) Discipline of handicapped children during transportation. The discipline of a handicapped child during his or her transportation shall be the responsibility of the transporting district.

NEW SECTION

WAC 392-171-695 FACILITIES. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services need(s) of any handicapped child shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities.

NEW SECTION

WAC 392-171-700 MATERIALS AND EQUIPMENT. Special education classrooms and materials shall be of comparable quality with other district classrooms and materials, unless otherwise approved by the superintendent of public instruction. Specialized materials and equipment shall be made available according to the needs of the child.

NEW SECTION

WAC 392-171-705 PROGRAM LENGTH. The length of the education program for handicapped children shall be the same as the length of the education program for nonhandicapped children in terms of both the number of school days in the school year and the average number of hours per school day. If a handicapped child cannot attend school a full school day, the reason shall be documented in his or her education or medical records.

NEW SECTION

WAC 392-171-710 ADMINISTRATION OF MEDICATION. No school district personnel shall administer medication to a handicapped child except:

(1) Pursuant to a written order and written instruction from the child's physician.

(2) Medication supplied by the child's parent(s).

The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the child's school activity program, in accordance with policies adopted by the school district.

NEW SECTION

WAC 392-171-715 DEFINITION OF "UNLAWFULLY RECEIVED OR EXPENDED FUNDS." For the purpose of WAC 392-171-720 through 392-171-735, "unlawfully received or expended funds" shall mean any state or federal excess cost funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

- (1) State statute or rule, including this chapter; or
- (2) A federal rule or condition to funding that may now or hereafter supplement this chapter.

NEW SECTION

WAC 392-171-720 AUDITS. (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:
(i) a school district's application(s) for state and federal excess cost funds;

(ii) the provisions of this chapter; and
(iii) any supplemental federal conditions to funding as may now or hereafter exist; and

(b) To establish a factual basis for:
(i) the recovery of unlawfully received or expended funds; or
(ii) the initiation of fund withholding proceedings.

(2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance, if any; and
(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and
(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district; and
- (c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance.

NEW SECTION

WAC 392-171-725 FUND WITHHOLDING. (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-720 or fails to comply with a remediation plan approved pursuant to WAC 392-171-720, the superintendent of public instruction or his or her designee shall provide the school district notice pursuant to RCW 34.04.090 of:

(a) Intent to withhold a specified amount of state and/or federal excess cost funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit in whole or part.

NEW SECTION

WAC 392-171-730 FUND WITHHOLDINGS TO ENFORCE PARENT APPEAL DECISIONS. The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal excess cost funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC 392-171-525 and 392-171-530 without any necessity of a further hearing on the matter.

NEW SECTION

WAC 392-171-735 RECOVERY OF FUNDS. (1) If a preliminary audit conducted pursuant to WAC 392-171-720 indicates that a district has unlawfully received and/or expended either state or federal excess cost funds, the assistant superintendent, division of financial services, shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal excess cost funds, the assistant superintendent, division of financial services, shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal excess cost funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

CITIZEN COMPLAINT PROCESSNEW SECTION

WAC 392-171-740 RIGHT TO REGISTER AND PROCESS COMPLAINTS. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in WAC 392-171-740(2) through 392-171-760.

- (2) Complaints shall:
- Be written;
 - Be signed by the complaining party;
 - Set forth the specific acts, conditions, or circumstances alleged to be in violation of this chapter; and
 - Be directed to the superintendent of the school district alleged to be in violation.

NEW SECTION

WAC 392-171-745 DESIGNATION OF RESPONSIBLE SCHOOL DISTRICT EMPLOYEE. The superintendent of each school district shall designate at least one employee for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility for investigating any complaint(s) communicated to the school district pursuant to WAC 392-171-740.

NEW SECTION

WAC 392-171-750 SCHOOL DISTRICT INVESTIGATION OF AND RESPONSE TO COMPLAINTS. (1) Upon receipt of a complaint pursuant to WAC 392-171-740, the employee(s) designated pursuant to WAC 392-171-745 or his or her designee shall investigate the allegation(s) set forth.

(2) Upon completion of the investigation, the designated employee(s) shall provide the district superintendent with a written report of the complaint and the results of the investigation. The district superintendent or his or her designee shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days after the date of receipt of such complaint by the school district.

(3) The response of the school district superintendent or his or her designee shall clearly state either:

- That the school district denies the allegations contained in the complaint; or
- The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: PROVIDED, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complaining party.

NEW SECTION

WAC 392-171-755 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) In the event a complainant remains aggrieved with the decision of a school district superintendent or his or her designee provided pursuant to WAC 392-171-750, the complainant may appeal the decision to the superintendent of public instruction: PROVIDED, That a parent with a complaint which constitutes a basis, in whole or part, for initiation of a hearing pursuant to WAC 392-171-500 shall exercise his or her hearing rights in lieu of an appeal to the superintendent of public instruction pursuant to this section.

(2) A written notice of appeal must be received by the superintendent of public instruction on or before the thirtieth day after the date the complainant received the written response of the school district superintendent pursuant to WAC 392-171-750. The notice shall set forth:

- A statement of the portion(s) of the school district superintendent's decision which is appealed from; and
- The relief or remedy requested by the complainant/appellant.

NEW SECTION

WAC 392-171-760 ACTIONS IN RESPONSE TO NOTICES OF APPEAL. (1) The superintendent of public instruction or his or her designee shall act expeditiously to investigate the allegation(s) in a notice of appeal that are deemed to be of substance.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent or his or her designee will provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to achieve compliance with this chapter.

(3) If compliance is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction or his or her designee will initiate fund withholding in compliance with the notice requirements of WAC 392-171-725, or initiate fund recovery, or initiate any other sanction deemed appropriate.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- | | |
|-----------------------------|--|
| (1) <u>WAC 392-171-005</u> | PURPOSES. |
| (2) <u>WAC 392-171-010</u> | SPECIAL EDUCATION ADVISORY COUNCIL. |
| (3) <u>WAC 392-171-015</u> | SPECIAL EDUCATION ADVISORY COUNCIL AUTHORITY. |
| (4) <u>WAC 392-171-020</u> | COMMON SCHOOL AGE—CHILD ELIGIBILITY. |
| (5) <u>WAC 392-171-025</u> | PROCEDURES FOR FUNCTIONALLY DEFINING HANDICAPPING CONDITIONS. |
| (6) <u>WAC 392-171-030</u> | FLOW CHART FOR PROCEDURES FOR FUNCTIONALLY DEFINING HANDICAPPING CONDITIONS. |
| (7) <u>WAC 392-171-035</u> | CHILD AS FOCUS OF CONCERN. |
| (8) <u>WAC 392-171-040</u> | REFERRAL PROCEDURE. |
| (9) <u>WAC 392-171-045</u> | PARENT DECISION. |
| (10) <u>WAC 392-171-050</u> | DECISION TO TERMINATE. |
| (11) <u>WAC 392-171-055</u> | ASSESSMENT PROCEDURES. |
| (12) <u>WAC 392-171-060</u> | COLLECTION OF DESCRIPTIONS OF CHILD PERFORMANCE. |
| (13) <u>WAC 392-171-065</u> | ASSESSMENT OR NEEDED CONSULTATION BY PROFESSIONAL RESOURCES NOT EMPLOYED BY SCHOOL DISTRICT. |
| (14) <u>WAC 392-171-070</u> | ASSESSMENT. |
| (15) <u>WAC 392-171-075</u> | ASSESSMENT PERSONNEL. |
| (16) <u>WAC 392-171-080</u> | ANALYSIS OF ASSESSMENT DATA. |
| (17) <u>WAC 392-171-090</u> | GOALS. |
| (18) <u>WAC 392-171-095</u> | PLACEMENT OPTIONS. |
| (19) <u>WAC 392-171-097</u> | MATERIALS NAD EQUIPMENT. |
| (20) <u>WAC 392-171-100</u> | REGULAR CLASSROOM PLACEMENT OPTIONS. |
| (21) <u>WAC 392-171-105</u> | SELF-CONTAINED PLACEMENT OPTIONS. |
| (22) <u>WAC 392-171-110</u> | OTHER PLACEMENT OPTION. |
| (23) <u>WAC 392-171-113</u> | DECISION THAT CHILD WILL NOT BE PLACED. |

- (24) WAC 392-171-115 PROGRAM CRITERIA NECESSARY FOR ELIGIBILITY.
- (25) WAC 392-171-125 DEFINITION OF AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION—MILDLY RETARDED.
- (26) WAC 392-171-130 DEFINITION OF AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION—MODERATELY RETARDED.
- (27) WAC 392-171-135 DEFINITION OF AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION—SEVERELY AND PROFOUNDLY RETARDED.
- (28)
- (28) WAC 392-171-137 IQ ELIGIBILITY RANGE VARIATION.
- (29) WAC 392-171-140 DEFINITION OF AND ELIGIBILITY CRITERIA FOR SENSORY HANDICAPPED.
- (30) WAC 392-171-145 DEFINITION OF AND ELIGIBILITY CRITERIA FOR GROSS MOTOR AND ORTHOPEDICALLY HANDICAPPED.
- (31) WAC 392-171-150 DEFINITION OF AND ELIGIBILITY CRITERIA FOR BEHAVIORAL DISABILITY.
- (32) WAC 392-171-155 DEFINITION OF AND ELIGIBILITY CRITERIA FOR NEUROLOGICAL IMPAIRMENT.
- (33) WAC 392-171-160 DEFINITION OF LEARNING/LANGUAGE DISABILITY.
- (34) WAC 392-171-165 ELIGIBILITY CRITERIA FOR LEARNING/LANGUAGE DISABILITY.
- (35) WAC 392-171-170 DEFINITION OF AND ELIGIBILITY CRITERIA FOR HEALTH IMPAIRED.
- (36) WAC 392-171-175 DEFINITION OF ELIGIBILITY CRITERIA FOR MULTIPLE HANDICAPPED.
- (37) WAC 392-171-180 DEFINITION OF AND ELIGIBILITY CRITERIA FOR COMMUNICATION DISORDERS.
- (38) WAC 392-171-185 SCHOOL DISTRICT DECISION.
- (39) WAC 392-171-190 PARENT DECISION.
- (40) WAC 392-171-195 OBJECTIVES RELATING TO INSTRUCTIONAL PROGRAMS (SHORT TERM).
- (41) WAC 392-171-200 EVALUATION AND PROGRAM IMPROVEMENT.
- (42) WAC 392-171-203 ADMINISTRATION OF MEDICATION.
- (43) WAC 392-171-205 CONTRACTUAL SERVICES.
- (44) WAC 392-171-210 APPROVAL OF AGENCIES AND INDIVIDUALS FOR CONTRACTUAL ARRANGEMENTS.
- (45) WAC 392-171-220 RESPONSIBILITIES OF SCHOOL DISTRICTS.
- (46) WAC 392-171-225 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW.
- (47) WAC 392-171-235 COORDINATION OF SERVICES.
- (48) WAC 392-171-240 WRITTEN CONTRACTS.
- (49) WAC 392-171-245 SPECIAL PLACEMENT AND PARENT APPEAL CONCERNING CONTRACTUAL ARRANGEMENTS.
- (50) WAC 392-171-250 INTERDISTRICT ARRANGEMENTS.
- (51) WAC 392-171-255 APPEALS TO SCHOOL BOARDS—TIME PERIODS—COURT APPOINTED REPRESENTATIVES.
- (52) WAC 392-171-260 APPEALS AND SANCTION PROCEDURES—PROCEDURE AT THE HEARING.
- (53) WAC 392-171-265 APPEAL FROM BOARDS DECISION TO SUPERINTENDENT OF PUBLIC INSTRUCTION—TIME PERIODS.
- (54) WAC 392-171-270 APPEALS AND SANCTION PROCEDURE—CHILD'S CONTINUED ATTENDANCE.

- (55) WAC 392-171-275 SANCTIONS UPON NONCOMPLYING SCHOOL DISTRICTS.
- (56) WAC 392-171-280 TRANSPORTATION.
- (57) WAC 392-171-285 FACILITIES.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 78-07-094

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 5, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning application for and allocation of funds appropriated by the legislature and available for the conduct of inservice training programs for common school certificated and classified personnel and program reporting requirements. New chapter 392-195 WAC (to be changed to 392-210 upon adoption);

that such agency will at 9:00 a.m., Monday, August 28, 1978, in the 4th Floor Bd. Rm., Washington and Legion, Old Capitol Bldg., Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 6, 1978, in the Deputy Supt's. Conf. Rm., Washington and Legion, Old Capitol Bldg., Olympia.

The authority under which these rules are proposed is RCW 28A.71.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 28, 1978, and/or orally at 9:00 a.m., Monday, August 28, 1978.

Dated: July 5, 1978

By: Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-195-005 PURPOSE. The purpose of this chapter is to provide for the allocation of funds for in-service training programs pursuant to the In-Service Training Act of 1977, chapter 28A.71 RCW.

NEW SECTION

WAC 392-195-010 DEFINITIONS. As used in this chapter:

(1) "Applicants" shall mean common school districts and educational service districts.

(2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.

(3) "Needs assessment" shall mean a systematic study of the educational needs of the community, staff and students to be served.

(4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs.

NEW SECTION

WAC 392-195-015 APPLICATION FOR FUNDING. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

(1) Applicants shall conduct a needs assessment.

(2) The board of an applicant shall appoint an advisory in-service training task force of at least thirteen members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education and the general public: PROVIDED, That not less than sixty percent of the representatives shall be representatives of the general public who are not employed by the applicant.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall review applications submitted pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

NEW SECTION

WAC 392-195-020 ALLOCATION OF FUNDS. The superintendent of public instruction or his or her designee shall evaluate each application approved by the applicant's task force and award funds to those programs which he or she deems to be in the best interest of the public school system. Consideration shall be given to:

(1) The potential of the proposed training activities for accomplishing the stated objectives;

(2) The extent to which the objectives are clearly defined and stated; and

(3) The appropriateness of the evaluation design.

NEW SECTION

WAC 392-195-025 PROGRAM REPORTS. Grantees shall report the results of their programs to the superintendent of public instruction. A financial report that sets forth the objects of expenditure, such as released time, contractual services, materials and supplies and travel shall also be submitted to the superintendent of public instruction.

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172-114-050	AMD-E	78-06-117	173-14-160	REP	78-07-011	173-240-080	NEW-P	78-06-124
172-114-060	AMD-E	78-03-078	173-14-170	AMD-P	78-04-063	173-240-090	NEW-P	78-06-124
172-114-060	AMD-P	78-04-010	173-14-170	AMD	78-07-011	173-240-100	NEW-P	78-06-124
172-114-060	AMD-P	78-06-044	173-14-174	NEW-P	78-04-063	173-240-110	NEW-P	78-06-124
172-114-060	AMD-E	78-06-117	173-14-174	NEW	78-07-011	173-240-990	NEW-P	78-06-124
172-114-070	AMD-E	78-03-078	173-14-180	AMD-P	78-04-063	173-250-010	NEW-P	78-06-129
172-114-070	AMD-P	78-04-010	173-14-180	AMD	78-07-011	173-250-020	NEW-P	78-06-129
172-114-070	AMD-P	78-06-044	173-14-190	AMD-P	78-04-063	173-250-030	NEW-P	78-06-129
172-114-070	AMD-E	78-06-117	173-14-190	AMD	78-07-011	173-250-040	NEW-P	78-06-129
172-114-090	AMD-E	78-03-078	173-19-390	AMD-P	78-05-017	173-255-010	NEW-P	78-06-128
172-114-090	AMD-P	78-04-010	173-22	AMD-P	78-06-126	173-255-020	NEW-P	78-06-128
172-114-090	AMD-P	78-06-044	173-24	AMD-P	78-03-018	173-255-030	NEW-P	78-06-128
172-114-090	AMD-E	78-06-117	173-24-010	AMD-P	78-02-076	173-255-040	NEW-P	78-06-128
172-114-110	AMD-E	78-03-078	173-24-010	AMD	78-04-015	173-255-050	NEW-P	78-06-128
172-114-110	AMD-P	78-04-010	173-24-030	AMD-P	78-02-076	173-302-165	NEW-P	78-06-127
172-114-110	AMD-P	78-06-044	173-24-030	AMD	78-04-015	173-302-390	AMD-P	78-06-127
172-114-110	AMD-E	78-06-117	173-24-060	AMD-P	78-02-076	173-531	NEW-P	78-02-042
172-150-165	NEW-P	78-03-027	173-24-060	AMD	78-04-015	173-531	NEW-P	78-05-066
172-180-010	AMD-P	78-03-028	173-24-070	AMD-P	78-02-076	173-531	NEW-P	78-07-070
172-180-010	AMD	78-06-006	173-24-070	AMD	78-04-015	173-800-010	REP-P	78-03-083
172-180-020	AMD-P	78-03-028	173-24-080	AMD-P	78-02-076	173-800-010	REP	78-04-090
172-180-020	AMD	78-06-006	173-24-080	AMD	78-04-015	173-800-015	REP-P	78-03-083
172-180-030	AMD-P	78-03-028	173-24-100	AMD-P	78-02-076	173-800-015	REP	78-04-090
172-180-030	AMD	78-06-006	173-24-100	AMD	78-04-015	173-800-020	REP-P	78-03-083
172-180-040	AMD-P	78-03-028	173-24-110	AMD-P	78-02-076	173-800-020	REP	78-04-090
172-180-040	AMD	78-06-006	173-24-110	AMD	78-04-015	173-800-030	REP-P	78-03-083
173-02	REP	78-02-041	173-24-140	AMD-P	78-02-076	173-800-030	REP	78-04-090
173-03-010	NEW	78-02-041	173-24-140	AMD	78-04-015	173-800-035	REP-P	78-03-083
173-03-020	NEW	78-02-041	173-24-150	AMD-P	78-02-076	173-800-035	REP	78-04-090
173-03-030	NEW	78-02-041	173-24-150	AMD	78-04-015	173-800-040	REP-P	78-03-083
173-03-040	NEW	78-02-041	173-124-06001	NEW	78-05-007	173-800-040	REP	78-04-090
173-03-050	NEW	78-02-041	173-166-010	NEW-E	78-02-007	173-800-050	REP-P	78-03-083
173-03-060	NEW	78-02-041	173-166-010	NEW-P	78-02-077	173-800-050	REP	78-04-090
173-03-070	NEW	78-02-041	173-166-010	NEW	78-04-019	173-800-060	REP-P	78-03-083
173-03-080	NEW	78-02-041	173-166-020	NEW-E	78-02-007	173-800-060	REP	78-04-090
173-03-090	NEW	78-02-041	173-166-020	NEW-P	78-02-077	173-800-070	REP-P	78-03-083
173-03-100	NEW	78-02-041	173-166-020	NEW	78-04-019	173-800-070	REP	78-04-090
173-14-010	AMD-P	78-04-063	173-166-030	NEW-E	78-02-007	173-800-080	REP-P	78-03-083
173-14-010	AMD	78-07-011	173-166-030	NEW-P	78-02-077	173-800-080	REP	78-04-090
173-14-020	AMD-P	78-04-063	173-166-030	NEW	78-04-019	173-800-090	REP-P	78-03-083
173-14-020	AMD	78-07-011	173-166-040	NEW-E	78-02-007	173-800-090	REP	78-04-090
173-14-030	AMD-P	78-04-063	173-166-040	NEW-P	78-02-077	173-800-100	REP-P	78-03-083
173-14-030	AMD	78-07-011	173-166-040	NEW	78-04-019	173-800-100	REP	78-04-090
173-14-040	AMD-P	78-04-063	173-166-050	NEW-E	78-02-007	173-800-105	REP-P	78-03-083
173-14-040	AMD	78-07-011	173-166-050	NEW-P	78-02-077	173-800-105	REP	78-04-090
173-14-050	AMD-P	78-04-063	173-166-050	NEW	78-04-019	173-800-110	REP-P	78-03-083
173-14-050	AMD	78-07-011	173-166-060	NEW-E	78-02-007	173-800-110	REP	78-04-090
173-14-060	AMD-P	78-04-063	173-166-060	NEW-P	78-02-077	173-800-120	REP-P	78-03-083
173-14-060	AMD	78-07-011	173-166-060	NEW	78-04-019	173-800-120	REP	78-04-090
173-14-062	AMD-P	78-04-063	173-201-010	AMD	78-02-043	173-800-140	REP-P	78-03-083
173-14-062	AMD	78-07-011	173-201-020	AMD	78-02-043	173-800-140	REP	78-04-090
173-14-064	AMD-P	78-04-063	173-201-025	NEW	78-02-043	173-800-145	REP-P	78-03-083
173-14-064	AMD	78-07-011	173-201-030	REP	78-02-043	173-800-145	REP	78-04-090
173-14-070	AMD-P	78-04-063	173-201-035	NEW	78-02-043	173-800-150	REP-P	78-03-083
173-14-070	AMD	78-07-011	173-201-040	REP	78-02-043	173-800-150	REP	78-04-090
173-14-080	AMD-P	78-04-063	173-201-045	NEW	78-02-043	173-800-160	REP-P	78-03-083
173-14-080	AMD	78-07-011	173-201-050	AMD	78-02-043	173-800-160	REP	78-04-090
173-14-090	AMD-P	78-04-063	173-201-060	REP	78-02-043	173-800-170	REP-P	78-03-083
173-11-090	AMD	78-07-011	173-201-070	AMD	78-02-043	173-800-170	REP	78-04-090
173-14-100	AMD-P	78-04-063	173-201-080	AMD	78-02-043	173-800-180	REP-P	78-03-083
173-14-100	AMD	78-07-011	173-201-085	NEW	78-02-043	173-800-180	REP	78-04-090
173-14-110	AMD-P	78-04-063	173-201-090	AMD	78-02-043	173-800-190	REP-P	78-03-083
173-14-110	AMD	78-07-011	173-201-100	AMD	78-02-043	173-800-190	REP	78-04-090
173-14-115	AMD-P	78-04-063	173-201-110	AMD	78-02-043	173-800-200	REP-P	78-03-083

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-800-200	REP	78-04-090	173-800-495	REP	78-04-090	173-805-030	AMD	78-04-091
173-800-210	REP-P	78-03-083	173-800-500	REP-P	78-03-083	173-805-070	AMD-P	78-03-084
173-800-210	REP	78-04-090	173-800-500	REP	78-04-090	173-805-070	AMD	78-04-091
173-800-220	REP-P	78-03-083	173-800-510	REP-P	78-03-083	173-805-120	AMD-P	78-03-084
173-800-220	REP	78-04-090	173-800-510	REP	78-04-090	173-805-120	AMD	78-04-091
173-800-230	REP-P	78-03-083	173-800-520	REP-P	78-03-083	173-805-121	NEW-P	78-03-084
173-800-230	REP	78-04-090	173-800-520	REP	78-04-090	173-805-121	NEW	78-04-091
173-800-240	REP-P	78-03-083	173-800-530	REP-P	78-03-083	173-805-125	REP-P	78-03-084
173-800-240	REP	78-04-090	173-800-530	REP	78-04-090	173-805-125	REP	78-04-091
173-800-250	REP-P	78-03-083	173-800-535	REP-P	78-03-083	173-805-130	AMD-P	78-03-084
173-800-250	REP	78-04-090	173-800-535	REP	78-04-090	173-805-130	AMD	78-04-091
173-800-260	REP-P	78-03-083	173-800-540	REP-P	78-03-083	174-104-010	AMD-P	78-02-116
173-800-260	REP	78-04-090	173-800-540	REP	78-04-090	174-104-010	AMD	78-05-008
173-800-270	REP-P	78-03-083	173-800-545	REP-P	78-03-083	174-116-150	AMD-P	78-06-113
173-800-270	REP	78-04-090	173-800-545	REP	78-04-090	180-16-165	REP-P	78-04-083
173-800-280	REP-P	78-03-083	173-800-550	REP-P	78-03-083	180-16-165	REP	78-06-097
173-800-280	REP	78-04-090	173-800-550	REP	78-04-090	180-16-167	AMD-P	78-04-083
173-800-300	REP-P	78-03-083	173-800-570	REP-P	78-03-083	180-16-167	AMD	78-06-097
173-800-300	REP	78-04-090	173-800-570	REP	78-04-090	180-16-191	NEW-P	78-04-083
173-800-310	REP-P	78-03-083	173-800-580	REP-P	78-03-083	180-16-191	NEW	78-06-097
173-800-310	REP	78-04-090	173-800-580	REP	78-04-090	180-16-195	NEW-P	78-04-083
173-800-320	REP-P	78-03-083	173-800-600	REP-P	78-03-083	180-16-195	NEW	78-06-097
173-800-320	REP	78-04-090	173-800-600	REP	78-04-090	180-16-200	NEW-P	78-04-083
173-800-330	REP-P	78-03-083	173-800-650	REP-P	78-03-083	180-16-200	NEW	78-06-097
173-800-330	REP	78-04-090	173-800-650	REP	78-04-090	180-16-205	NEW-P	78-04-083
173-800-340	REP-P	78-03-083	173-800-652	REP-P	78-03-083	180-16-205	NEW	78-06-097
173-800-340	REP	78-04-090	173-800-652	REP	78-04-090	180-16-210	NEW-P	78-04-083
173-800-345	REP-P	78-03-083	173-800-660	REP-P	78-03-083	180-16-210	NEW	78-06-097
173-800-345	REP	78-04-090	173-800-660	REP	78-04-090	180-16-215	NEW-P	78-04-083
173-800-350	REP-P	78-03-083	173-800-690	REP-P	78-03-083	180-16-215	NEW	78-06-097
173-800-350	REP	78-04-090	173-800-690	REP	78-04-090	180-16-220	NEW-P	78-04-083
173-800-355	REP-P	78-03-083	173-800-695	REP-P	78-03-083	180-16-220	NEW	78-06-097
173-800-355	REP	78-04-090	173-800-695	REP	78-04-090	180-16-225	NEW-P	78-04-083
173-800-360	REP-P	78-03-083	173-800-710	REP-P	78-03-083	180-16-225	NEW	78-06-097
173-800-360	REP	78-04-090	173-800-710	REP	78-04-090	180-16-230	NEW-P	78-04-083
173-800-370	REP-P	78-03-083	173-800-810	REP-P	78-03-083	180-16-230	NEW	78-06-097
173-800-370	REP	78-04-090	173-800-810	REP	78-04-090	180-16-235	NEW-P	78-04-083
173-800-375	REP-P	78-03-083	173-800-830	REP-P	78-03-083	180-16-235	NEW	78-06-097
173-800-375	REP	78-04-090	173-800-830	REP	78-04-090	180-16-240	NEW-P	78-04-083
173-800-380	REP-P	78-03-083	173-800-840	REP-P	78-03-083	180-16-240	NEW	78-06-097
173-800-380	REP	78-04-090	173-800-840	REP	78-04-090	180-56-315	AMD-P	78-04-083
173-800-390	REP-P	78-03-083	173-800-910	REP-P	78-03-083	180-56-315	AMD	78-06-065
173-800-390	REP	78-04-090	173-800-910	REP	78-04-090	180-75-005	NEW-P	78-07-060
173-800-400	REP-P	78-03-083	173-801-010	NEW-P	78-03-083	180-75-015	NEW-P	78-07-060
173-800-400	REP	78-04-090	173-801-010	NEW	78-04-090	180-75-020	NEW-P	78-07-060
173-800-405	REP-P	78-03-083	173-801-020	NEW-P	78-03-083	180-75-025	NEW-P	78-07-060
173-800-405	REP	78-04-090	173-801-020	NEW	78-04-090	180-75-030	NEW-P	78-07-060
173-800-410	REP-P	78-03-083	173-801-030	NEW-P	78-03-083	180-75-035	NEW-P	78-07-060
173-800-410	REP	78-04-090	173-801-030	NEW	78-04-090	180-75-040	NEW-P	78-07-060
173-800-420	REP-P	78-03-083	173-801-040	NEW-P	78-03-083	180-75-045	NEW-P	78-07-060
173-800-420	REP	78-04-090	173-801-040	NEW	78-04-090	180-75-050	NEW-P	78-07-060
173-800-425	REP-P	78-03-083	173-801-045	NEW-P	78-03-083	180-75-055	NEW-P	78-07-060
173-800-425	REP	78-04-090	173-801-045	NEW	78-04-090	180-75-060	NEW-P	78-07-060
173-800-440	REP-P	78-03-083	173-801-050	NEW-P	78-03-083	180-75-065	NEW-P	78-07-060
173-800-440	REP	78-04-090	173-801-050	NEW	78-04-090	180-75-070	NEW-P	78-07-060
173-800-442	REP-P	78-03-083	173-801-060	NEW-P	78-03-083	180-75-075	NEW-P	78-07-060
173-800-442	REP	78-04-090	173-801-060	NEW	78-04-090	180-75-080	NEW-P	78-07-060
173-800-444	REP-P	78-03-083	173-801-070	NEW-P	78-03-083	180-75-085	NEW-P	78-07-060
173-800-444	REP	78-04-090	173-801-070	NEW	78-04-090	180-75-090	NEW-P	78-07-060
173-800-450	REP-P	78-03-083	173-801-080	NEW-P	78-03-083	180-75-100	NEW-P	78-07-060
173-800-450	REP	78-04-090	173-801-080	NEW	78-04-090	180-77-003	NEW-P	78-07-059
173-800-460	REP-P	78-03-083	173-801-090	NEW-P	78-03-083	180-77-005	NEW-P	78-07-059
173-800-460	REP	78-04-090	173-801-090	NEW	78-04-090	180-77-010	NEW-P	78-07-059
173-800-465	REP-P	78-03-083	173-801-100	NEW-P	78-03-083	180-77-015	NEW-P	78-07-059
173-800-465	REP	78-04-090	173-801-100	NEW	78-04-090	180-77-020	NEW-P	78-07-059
173-800-470	REP-P	78-03-083	173-801-110	NEW-P	78-03-083	180-77-025	NEW-P	78-07-059
173-800-470	REP	78-04-090	173-801-110	NEW	78-04-090	180-77-030	NEW-P	78-07-059
173-800-480	REP-P	78-03-083	173-801-120	NEW-P	78-03-083	180-77-035	NEW-P	78-07-059
173-800-480	REP	78-04-090	173-801-120	NEW	78-04-090	180-77-040	NEW-P	78-07-059
173-800-485	REP-P	78-03-083	173-801-130	NEW-P	78-03-083	180-77-045	NEW-P	78-07-059
173-800-485	REP	78-04-090	173-801-130	NEW	78-04-090	180-77-050	NEW-P	78-07-059
173-800-490	REP-P	78-03-083	173-805-020	AMD-P	78-03-084	180-77-055	NEW-P	78-07-059
173-800-490	REP	78-04-090	173-805-020	AMD	78-04-091	180-77-060	NEW-P	78-07-059
173-800-495	REP-P	78-03-083	173-805-030	AMD-P	78-03-084	180-77-065	NEW-P	78-07-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-77-070	NEW-P	78-07-059	180-79-075	NEW	78-06-070	180-80-200	AMD	78-03-013
180-77-075	NEW-P	78-07-059	180-79-080	NEW-P	78-04-082	180-80-200	REP-P	78-04-086
180-77-080	NEW-P	78-07-059	180-79-085	NEW-P	78-04-082	180-80-200	REP	78-06-063
180-77-085	NEW-P	78-07-059	180-79-085	NEW	78-06-070	180-80-201	REP-P	78-04-086
180-77-090	NEW-P	78-07-059	180-79-085	REP-P	78-07-058	180-80-201	REP	78-06-063
180-77-095	NEW-P	78-07-059	180-79-090	NEW-P	78-04-082	180-80-202	REP-P	78-04-086
180-78-005	NEW-P	78-04-084	180-79-090	NEW	78-06-070	180-80-202	REP	78-06-063
180-78-005	NEW	78-06-069	180-79-095	NEW-P	78-04-082	180-80-205	AMD-P	78-04-086
180-78-010	NEW-P	78-04-084	180-79-090	REP-P	78-07-058	180-80-205	AMD	78-06-063
180-78-010	NEW	78-06-069	180-79-095	NEW	78-06-070	180-80-217	REP-P	78-04-086
180-78-010	AMD-P	78-07-053	180-79-095	REP-P	78-07-058	180-80-217	REP	78-06-063
180-78-015	NEW-P	78-04-084	180-79-100	NEW-P	78-04-082	180-80-220	REP-P	78-04-086
180-78-015	NEW	78-06-069	180-79-100	NEW	78-06-070	180-80-220	REP	78-06-063
180-78-020	NEW-P	78-04-084	180-79-100	AMD-P	78-07-058	180-80-245	REP-P	78-04-086
180-78-020	NEW	78-06-069	180-79-105	NEW-P	78-04-082	180-80-245	REP	78-06-063
180-78-020	REP-P	78-07-053	180-79-105	NEW	78-06-070	180-80-247	REP-P	78-04-086
180-78-025	NEW-P	78-04-084	180-79-105	REP-P	78-07-058	180-80-247	REP	78-06-063
180-78-025	NEW	78-06-069	180-79-110	NEW-P	78-04-082	180-80-250	REP-P	78-04-086
180-78-030	NEW-P	78-04-084	180-79-110	NEW	78-06-070	180-80-250	REP	78-06-063
180-78-030	NEW	78-06-069	180-79-110	REP-P	78-07-058	180-80-251	REP-P	78-04-086
180-78-035	NEW-P	78-04-084	180-79-112	NEW-P	78-04-082	180-80-251	REP	78-06-063
180-78-035	NEW	78-06-069	180-79-115	NEW-P	78-04-082	180-80-256	REP-P	78-04-086
180-78-040	NEW-P	78-04-084	180-79-115	NEW	78-06-070	180-80-256	REP	78-06-063
180-78-040	NEW	78-06-069	180-79-115	AMD-P	78-07-058	180-80-258	REP-P	78-04-086
180-78-045	NEW-P	78-04-084	180-79-120	NEW-P	78-04-082	180-80-258	REP	78-06-063
180-78-045	NEW	78-06-069	180-79-120	NEW	78-06-070	180-80-260	REP-P	78-04-086
180-78-050	NEW-P	78-04-084	180-79-125	NEW-P	78-04-082	180-80-260	REP	78-06-063
180-78-050	NEW	78-06-069	180-79-125	NEW	78-06-070	180-80-265	REP-P	78-04-086
180-78-055	NEW-P	78-04-084	180-79-125	AMD-P	78-07-058	180-80-265	REP	78-06-063
180-78-055	NEW	78-06-069	180-79-130	NEW-P	78-04-082	180-80-275	REP-P	78-04-086
180-78-060	NEW-P	78-04-084	180-79-130	NEW	78-06-070	180-80-275	REP	78-06-063
180-78-060	NEW-P	78-07-053	180-79-135	NEW-P	78-04-082	180-80-280	AMD-P	78-04-086
180-78-065	NEW-P	78-04-084	180-79-135	NEW	78-06-070	180-80-280	AMD	78-06-063
180-78-070	NEW-P	78-04-084	180-79-150	NEW-P	78-04-082	180-80-304	REP-P	78-04-086
180-78-075	NEW-P	78-04-084	180-79-150	NEW	78-06-070	180-80-304	REP	78-06-063
180-78-080	NEW-P	78-04-084	180-79-155	NEW-P	78-04-082	180-80-305	REP-P	78-04-086
180-78-085	NEW-P	78-04-084	180-79-155	NEW	78-06-070	180-80-305	REP	78-06-063
180-79-005	NEW-P	78-04-082	180-79-160	NEW-P	78-04-082	180-80-310	REP-P	78-04-086
180-79-005	NEW	78-06-070	180-79-160	NEW	78-06-070	180-80-310	REP	78-06-063
180-79-010	NEW-P	78-04-082	180-79-165	NEW-P	78-04-082	180-80-510	REP-P	78-04-086
180-79-010	NEW	78-06-070	180-79-170	NEW-P	78-04-082	180-80-510	REP	78-06-063
180-79-015	NEW-P	78-04-082	180-79-170	NEW	78-06-070	180-80-520	REP-P	78-04-086
180-79-015	NEW	78-06-070	180-79-175	NEW-P	78-04-082	180-80-520	REP	78-06-063
180-79-015	REP-P	78-07-058	180-79-175	NEW	78-06-070	180-80-522	REP-P	78-04-086
180-79-020	NEW-P	78-04-082	180-79-180	NEW-P	78-04-082	180-80-522	REP	78-06-063
180-79-020	NEW	78-06-070	180-79-180	NEW	78-06-070	180-80-525	REP-P	78-04-086
180-79-020	REP-P	78-07-058	180-79-185	NEW-P	78-04-082	180-80-525	REP	78-06-063
180-79-025	NEW-P	78-04-082	180-79-185	NEW	78-06-070	180-80-533	REP-P	78-04-086
180-79-025	NEW	78-06-070	180-79-190	NEW-P	78-04-082	180-80-533	REP	78-06-063
180-79-025	REP-P	78-07-058	180-79-190	NEW	78-06-070	180-80-535	REP-P	78-04-086
180-79-030	NEW-P	78-04-082	180-79-195	NEW-P	78-04-082	180-80-535	REP	78-06-063
180-79-030	NEW	78-06-070	180-79-195	NEW	78-06-070	180-80-540	REP-P	78-04-086
180-79-030	REP-P	78-07-058	180-79-200	NEW-P	78-04-082	180-80-540	REP	78-06-063
180-79-035	NEW-P	78-04-082	180-79-200	NEW	78-06-070	180-80-545	REP-P	78-04-086
180-79-040	NEW-P	78-04-082	180-79-205	NEW-P	78-04-082	180-80-545	REP	78-06-063
180-79-040	NEW	78-06-070	180-79-205	NEW	78-06-070	180-80-550	REP-P	78-04-086
180-79-040	REP-P	78-07-058	180-79-210	NEW-P	78-04-082	180-80-550	REP	78-06-063
180-79-045	NEW-P	78-04-082	180-79-210	NEW	78-06-070	180-80-600	REP-P	78-04-086
180-79-045	NEW	78-06-070	180-79-215	NEW-P	78-04-082	180-80-600	REP	78-06-063
180-79-050	NEW-P	78-04-082	180-79-215	NEW	78-06-070	180-80-610	AMD	78-03-013
180-79-050	NEW	78-06-070	180-79-230	NEW-P	78-04-082	180-80-610	REP-P	78-04-086
180-79-050	REP-P	78-07-058	180-79-230	NEW	78-06-070	180-80-610	REP	78-06-063
180-79-055	NEW-P	78-04-082	180-79-235	NEW-P	78-04-082	180-80-700	REP-P	78-04-086
180-79-055	NEW	78-06-070	180-79-235	NEW	78-06-070	180-80-700	REP	78-06-063
180-79-055	REP-P	78-07-058	180-79-235	REP-P	78-07-058	180-80-710	REP-P	78-04-086
180-79-060	NEW-P	78-04-082	180-79-240	NEW-P	78-04-082	180-80-710	REP	78-06-063
180-79-060	NEW	78-06-070	180-79-240	NEW	78-06-070	180-80-720	REP-P	78-04-086
180-79-065	NEW-P	78-04-082	180-79-240	REP-P	78-07-058	180-80-720	REP	78-06-063
180-79-065	NEW	78-06-070	180-79-245	NEW-P	78-04-082	180-80-730	REP-P	78-04-086
180-79-065	AMD-P	78-07-058	180-79-245	NEW	78-06-070	180-80-730	REP	78-06-063
180-79-070	NEW-P	78-04-082	180-79-250	NEW-P	78-04-082	180-80-740	REP-P	78-04-086
180-79-070	NEW	78-06-070	180-79-250	NEW	78-06-070	180-80-740	REP	78-06-063
180-79-070	REP-P	78-07-058	180-80-195	REP-P	78-04-086	180-84-010	REP-P	78-04-087
180-79-075	NEW-P	78-04-082	180-80-195	REP	78-06-063	180-84-010	REP	78-06-062

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-84-560	REP-P	78-04-087	184-08-030	REP	78-03-023	184-20-120	REP	78-03-023
180-84-560	REP	78-06-062	184-08-040	REP	78-03-023	184-20-130	REP	78-03-023
180-84-565	REP-P	78-04-087	184-08-050	REP	78-03-023	184-20-140	REP	78-03-023
180-84-565	REP	78-06-062	184-08-070	REP	78-03-023	184-20-App.A	REP	78-03-023
180-90-120	AMD-P	78-04-088	184-08-080	REP	78-03-023	186-12-010	REP	78-03-023
180-90-120	AMD	78-06-064	184-08-090	REP	78-03-023	186-12-050	REP	78-03-023
180-90-160	AMD-P	78-04-088	184-08-100	REP	78-03-023	186-12-060	REP	78-03-023
180-90-160	AMD	78-06-064	184-08-110	REP	78-03-023	186-12-100	REP	78-03-023
180-95-005	NEW	78-03-014	184-08-120	REP	78-03-023	186-12-110	REP	78-03-023
180-95-010	NEW	78-03-014	184-08-130	REP	78-03-023	186-12-120	REP	78-03-023
180-95-020	NEW	78-03-014	184-08-140	REP	78-03-023	186-12-200	REP	78-03-023
180-95-030	NEW	78-03-014	184-08-150	REP	78-03-023	186-12-210	REP	78-03-023
180-95-040	NEW	78-03-014	184-08-160	REP	78-03-023	186-12-300	REP	78-03-023
180-95-050	NEW	78-03-014	184-08-170	REP	78-03-023	186-12-310	REP	78-03-023
180-95-060	NEW	78-03-014	184-08-180	REP	78-03-023	186-12-330	REP	78-03-023
182-08-131	NEW-P	78-04-107	184-08-190	REP	78-03-023	186-12-350	REP	78-03-023
182-08-131	NEW-P	78-06-039	184-08-200	REP	78-03-023	186-12-400	REP	78-03-023
182-08-160	AMD-E	78-02-014	184-08-210	REP	78-03-023	192-09-030	AMD-P	78-07-077
182-08-160	AMD	78-03-021	184-08-220	REP	78-03-023	192-09-040	AMD-P	78-07-077
182-08-170	AMD	78-02-015	184-08-230	REP	78-03-023	192-09-060	AMD-P	78-07-077
182-08-171	NEW-P	78-04-107	184-08-240	REP	78-03-023	192-09-110	AMD-P	78-07-077
182-08-171	NEW-P	78-06-039	184-08-250	REP	78-03-023	192-09-135	AMD-P	78-07-077
182-08-175	NEW-P	78-04-107	184-08-260	REP	78-03-023	192-09-230	AMD-P	78-07-077
182-08-175	NEW-P	78-06-039	184-08-270	REP	78-03-023	192-09-315	AMD-P	78-07-077
182-08-190	AMD	78-02-015	184-08-275	REP	78-03-023	192-09-400	AMD-P	78-07-077
182-12-111	NEW	78-02-015	184-08-280	REP	78-03-023	192-09-405	AMD-P	78-07-077
182-12-115	AMD-P	78-04-107	184-08-290	REP	78-03-023	192-09-420	AMD-P	78-07-077
182-12-115	AMD-P	78-06-039	184-08-300	REP	78-03-023	192-09-425	AMD-P	78-07-077
182-12-115	AMD-E	78-06-105	184-08-310	REP	78-03-023	192-10-010	AMD-P	78-07-077
182-12-115	AMD-P	78-07-006	184-08-320	REP	78-03-023	192-10-015	NEW-P	78-07-077
182-12-122	NEW-P	78-04-107	184-08-330	REP	78-03-023	192-10-020	AMD-P	78-07-077
182-12-122	NEW-P	78-06-039	184-08-340	REP	78-03-023	192-10-030	AMD-P	78-07-077
182-12-122	NEW-E	78-06-105	184-08-350	REP	78-03-023	192-10-050	AMD-P	78-07-077
182-12-122	NEW-P	78-07-006	184-08-360	REP	78-03-023	192-10-060	AMD-P	78-07-077
182-12-125	REP-P	78-04-107	184-08-370	REP	78-03-023	192-10-070	AMD-P	78-07-077
184-01-010	REP	78-03-023	184-08-380	REP	78-03-023	192-10-080	AMD-P	78-07-077
184-01-020	REP	78-03-023	184-08-390	REP	78-03-023	192-10-090	AMD-P	78-07-077
184-01-025	REP	78-03-023	184-08-400	REP	78-03-023	192-10-110	AMD-P	78-07-077
184-01-030	REP	78-03-023	184-08-410	REP	78-03-023	192-10-120	AMD-P	78-07-077
184-01-035	REP	78-03-023	184-08-420	REP	78-03-023	192-10-260	REP-P	78-07-077
184-01-040	REP	78-03-023	184-08-430	REP	78-03-023	192-10-265	NEW-P	78-07-077
184-01-050	REP	78-03-023	184-08-440	REP	78-03-023	192-10-270	REP-P	78-07-077
184-01-060	REP	78-03-023	184-08-450	REP	78-03-023	192-10-280	AMD-P	78-07-077
184-01-070	REP	78-03-023	184-08-460	REP	78-03-023	192-10-300	AMD-P	78-07-077
184-01-07001	REP	78-03-023	184-08-470	REP	78-03-023	192-10-310	AMD-P	78-07-077
184-03-010	REP	78-03-023	184-08-480	REP	78-03-023	192-12-030	AMD-P	78-07-077
184-03-020	REP	78-03-023	184-08-490	REP	78-03-023	192-12-035	NEW-P	78-07-077
184-03-030	REP	78-03-023	184-08-500	REP	78-03-023	192-12-050	AMD-P	78-07-077
184-03-040	REP	78-03-023	184-08-540	REP	78-03-023	192-12-070	AMD-P	78-07-077
184-03-050	REP	78-03-023	184-08-550	REP	78-03-023	192-12-115	NEW-P	78-07-077
184-03-060	REP	78-03-023	184-08-560	REP	78-03-023	192-12-120	REP-P	78-07-077
184-03-070	REP	78-03-023	184-08-570	REP	78-03-023	192-12-150	AMD-P	78-07-077
184-03-080	REP	78-03-023	184-08-580	REP	78-03-023	192-14-010	REP-P	78-07-077
184-03-090	REP	78-03-023	184-08-590	REP	78-03-023	192-14-020	REP-P	78-07-077
184-03-100	REP	78-03-023	184-09-010	REP	78-03-023	192-14-030	REP-P	78-07-077
184-03-110	REP	78-03-023	184-09-020	REP	78-03-023	192-14-040	REP-P	78-07-077
184-03-120	REP	78-03-023	184-12-010	REP	78-03-023	192-14-050	REP-P	78-07-077
184-05-010	REP	78-03-023	184-16-010	REP	78-03-023	192-14-060	REP-P	78-07-077
184-05-020	REP	78-03-023	184-16-020	REP	78-03-023	192-14-070	REP-P	78-07-077
184-05-030	REP	78-03-023	184-16-030	REP	78-03-023	192-14-080	REP-P	78-07-077
184-05-040	REP	78-03-023	184-16-040	REP	78-03-023	192-14-090	REP-P	78-07-077
184-05-050	REP	78-03-023	184-16-050	REP	78-03-023	192-14-100	REP-P	78-07-077
184-05-060	REP	78-03-023	184-16-060	REP	78-03-023	192-14-110	REP-P	78-07-077
184-05-070	REP	78-03-023	184-20-010	REP	78-03-023	192-14-120	REP-P	78-07-077
184-05-080	REP	78-03-023	184-20-020	REP	78-03-023	192-14-130	REP-P	78-07-077
184-05-090	REP	78-03-023	184-20-030	REP	78-03-023	192-14-140	REP-P	78-07-077
184-05-100	REP	78-03-023	184-20-040	REP	78-03-023	192-14-150	REP-P	78-07-077
184-05-110	REP	78-03-023	184-20-050	REP	78-03-023	192-15-010	NEW-P	78-07-077
184-05-120	REP	78-03-023	184-20-060	REP	78-03-023	192-15-020	NEW-P	78-07-077
184-05-130	REP	78-03-023	184-20-070	REP	78-03-023	192-15-030	NEW-P	78-07-077
184-05-140	REP	78-03-023	184-20-080	REP	78-03-023	192-15-040	NEW-P	78-07-077
184-05-150	REP	78-03-023	184-20-090	REP	78-03-023	192-15-050	NEW-P	78-07-077
184-08-010	REP	78-03-023	184-20-100	REP	78-03-023	192-15-060	NEW-P	78-07-077
184-08-020	REP	78-03-023	184-20-110	REP	78-03-023	192-15-070	NEW-P	78-07-077

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
192-15-080	NEW-P	78-07-077	220-24-020	AMD-P	78-03-093	220-28-010D0C	NEW-E	78-07-009
192-15-090	NEW-P	78-07-077	220-24-020	AMD	78-05-067	220-28-010E0A	NEW-E	78-07-054
195-15-100	NEW-P	78-07-077	220-28-00100B	NEW-E	78-07-009	220-28-010F0A	NEW-E	78-05-036
192-15-110	NEW-P	78-07-077	220-28-004B0E	NEW-E	78-07-009	220-28-010F0A	REP-E	78-07-034
192-15-120	NEW-P	78-07-077	220-28-00500B	NEW-E	78-07-009	220-28-010F0B	NEW-E	78-07-034
192-15-130	NEW-P	78-07-077	220-28-005F0A	NEW-E	78-07-054	220-28-01100A	NEW-E	78-07-054
192-15-140	NEW-P	78-07-077	220-28-006A0D	NEW-E	78-05-036	220-28-011A0B	REP-E	78-02-051
192-15-150	NEW-P	78-07-077	220-28-006B0C	NEW-E	78-07-009	220-28-011A0C	NEW-E	78-05-036
192-15-160	NEW-P	78-07-077	220-28-006B0C	REP-E	78-07-029	220-28-011A0C	REP-E	78-07-034
192-15-170	NEW-P	78-07-077	220-28-006B0D	NEW-E	78-07-029	220-28-011A0D	NEW-E	78-07-034
192-16-001	AMD-P	78-07-077	220-28-006B0D	REP-E	78-07-054	220-28-011A0D	REP-E	78-07-054
192-16-002	AMD-P	78-07-077	220-28-006B0E	NEW-E	78-07-054	220-28-011A0E	NEW-E	78-07-054
192-16-003	REP-P	78-07-077	220-28-00600H	NEW-E	78-07-009	220-28-011F0A	NEW-E	78-05-036
204-08-010	AMD-P	78-06-107	220-28-006C0A	NEW-E	78-07-009	220-28-011F0A	REP-E	78-07-034
204-08-030	AMD-P	78-06-107	220-28-006F0A	NEW-E	78-05-036	220-28-011F0B	NEW-E	78-07-034
204-08-100	AMD-P	78-06-107	220-28-006F0A	REP-E	78-07-034	220-28-011F0B	REP-E	78-07-054
204-24-050	AMD	78-02-091	220-28-006F0B	NEW-E	78-07-034	220-28-011F0C	NEW-E	78-07-054
204-24-070	AMD	78-02-091	220-28-006G0A	NEW-E	78-05-036	220-28-01200D	REP-E	78-02-051
204-64-010	NEW-E	78-02-092	220-28-006G0A	REP-E	78-07-034	220-28-01200E	NEW-E	78-07-054
204-64-010	NEW-P	78-02-093	220-28-006G0B	NEW-E	78-07-034	220-28-012A0B	REP-E	78-02-051
204-64-010	NEW-E	78-05-065	220-28-007B0E	REP-E	78-02-006	220-28-012A0C	NEW-E	78-07-054
204-64-010	NEW-P	78-06-107	220-28-007B0F	NEW-E	78-02-006	220-28-012B0A	NEW-E	78-07-054
204-64-020	NEW-E	78-02-092	220-28-007B0F	REP-E	78-02-051	220-28-012C0A	NEW-E	78-07-054
204-64-020	NEW-P	78-02-093	220-28-007B0G	NEW-E	78-05-036	220-28-012D0D	REP-E	78-02-051
204-64-020	NEW-E	78-05-065	220-28-007B0G	REP-E	78-07-034	220-28-012D0E	NEW-E	78-07-054
204-64-020	NEW-P	78-06-107	220-28-007B0H	NEW-E	78-07-034	220-28-01300D	NEW-E	78-02-051
204-64-040	NEW-E	78-02-092	220-28-007C0D	REP-E	78-02-006	220-28-01300E	NEW-E	78-07-054
204-64-040	NEW-P	78-02-093	220-28-007C0E	NEW-E	78-05-036	220-28-013A0A	REP-E	78-02-051
204-64-040	NEW-E	78-05-065	220-28-007C0E	REP-E	78-07-034	220-28-013A0B	NEW-E	78-07-054
204-64-040	NEW-P	78-06-107	220-28-007C0F	NEW-E	78-07-034	220-28-013B0A	NEW-E	78-05-036
204-64-060	NEW-E	78-02-092	220-28-007C0F	REP-E	78-07-054	220-28-013B0A	REP-E	78-07-034
204-64-060	NEW-P	78-02-093	220-28-007C0G	NEW-E	78-07-054	220-28-013B0B	NEW-E	78-07-034
204-64-060	NEW-E	78-05-065	220-28-007F0A	NEW-E	78-05-036	220-28-013F0A	NEW-E	78-05-036
204-64-060	NEW-P	78-06-107	220-28-007F0A	REP-E	78-07-034	220-28-013F0A	REP-E	78-07-034
204-64-080	NEW-E	78-02-092	220-28-007F0B	NEW-E	78-07-034	220-28-013F0B	NEW-E	78-07-034
204-64-080	NEW-P	78-02-093	220-28-007G0A	NEW-E	78-07-054	220-28-013G0A	NEW-E	78-07-054
204-64-080	NEW-E	78-05-065	220-28-00800J	REP-E	78-02-051	220-32-03000G	NEW-E	78-02-075
204-64-080	NEW-P	78-06-107	220-28-00800K	NEW-E	78-05-036	220-32-03600A	NEW-E	78-03-067
204-64-100	NEW-E	78-02-092	220-28-00800L	NEW-E	78-07-054	220-32-04000A	NEW-E	78-02-075
204-64-100	NEW-P	78-02-093	220-28-008A0B	REP-E	78-02-006	220-32-04000B	NEW-E	78-06-003
204-64-100	NEW-E	78-05-065	220-28-008A0C	NEW-E	78-07-054	220-32-04000B	REP-E	78-06-072
204-64-100	NEW-P	78-06-107	220-28-008B0A	NEW-E	78-05-036	220-32-04000C	NEW-E	78-06-072
204-64-120	NEW-E	78-02-092	220-28-008B0A	REP-E	78-07-034	220-32-05200E	NEW-E	78-02-075
204-64-120	NEW-P	78-02-093	220-28-008B0B	NEW-E	78-07-034	220-32-05500A	NEW-E	78-05-016
204-64-120	NEW-E	78-05-065	220-28-008C0A	NEW-E	78-05-036	220-32-05700A	NEW-E	78-02-075
204-66-060	AMD-P	78-06-107	220-28-008C0A	REP-E	78-07-034	220-32-05700B	NEW-E	78-06-033
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204-66-160	AMD-P	78-06-107	220-28-008F0A	NEW-E	78-05-036	220-36-021	AMD-P	78-05-099
204-66-170	AMD-P	78-06-107	220-28-008F0A	REP-E	78-06-032	220-36-02100K	NEW-E	78-07-028
204-66-180	AMD-P	78-06-107	220-28-008F0B	NEW-E	78-06-032	220-36-022	AMD-P	78-05-099
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220-20-015	AMD	78-05-067	220-28-008G0A	REP-E	78-07-034	220-36-03001	AMD	78-07-067
220-20-01500A	NEW-E	78-05-068	220-28-008G0B	NEW-E	78-07-034	220-40-021	AMD-P	78-05-099
220-20-01500A	REP-E	78-06-108	220-28-008H0A	NEW-E	78-05-036	220-40-021	AMD-P	78-07-089
220-22-020	AMD-P	78-05-099	220-28-008H0A	REP-E	78-07-034	220-40-02100F	NEW-E	78-07-028
220-22-020	AMD	78-07-067	220-28-008H0B	NEW-E	78-07-034	220-40-022	AMD-P	78-05-099
220-22-02000A	NEW-E	78-07-028	220-28-00900B	NEW-E	78-07-009	220-40-022	AMD-P	78-07-089
220-22-02000A	REP-E	78-07-040	220-28-00900B	REP-E	78-07-054	220-40-02200B	NEW-E	78-07-028
220-22-02000B	NEW-E	78-07-040	220-28-00900C	NEW-E	78-07-054	220-40-024	AMD-P	78-07-089
220-22-030	AMD-P	78-03-097	220-28-009A0A	NEW-E	78-07-009	220-44-020	AMD-P	78-02-111
220-22-030	AMD	78-05-018	220-28-01000B	REP-E	78-07-054	220-44-020	AMD-P	78-03-093
220-22-330	AMD-P	78-03-097	220-28-01000C	NEW-E	78-07-054	220-44-020	AMD	78-04-039
220-22-330	AMD	78-05-018	220-28-010A0F	NEW-E	78-05-036	220-44-020	AMD	78-05-067
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220-24-010	AMD-P	78-03-093	220-28-010A0G	REP-E	78-07-035	220-44-030	NEW	78-04-039
220-24-010	AMD	78-05-067	220-28-010A0H	NEW-E	78-07-035	220-44-040	NEW-P	78-02-111
220-24-01000A	NEW-E	78-05-068	220-28-010B0F	NEW-E	78-07-009	220-44-040	NEW	78-04-039
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220-47-311	AMD	78-05-018	220-56-08400C	NEW-E	78-07-041	220-100-110	AMD-P	78-03-092
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220-47-312	AMD	78-05-018	220-57-001	AMD	78-03-034	220-100-120	NEW	78-05-029
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220-47-313	AMD	78-05-018	220-57-17500B	NEW-E	78-06-034	220-105-046	NEW	78-03-034
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220-47-314	AMD	78-05-018	220-57-255	AMD	78-03-034	230-02-350	AMD-P	78-01-034
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220-47-31400C	REP-E	78-06-109	220-57-290	AMD	78-03-034	230-02-415	NEW-P	78-04-080
220-47-31400D	NEW-E	78-06-109	220-57-310	AMD	78-03-034	230-02-415	NEW	78-06-066
220-47-324	AMD-P	78-03-097	220-57-320	AMD	78-03-034	230-04-060	AMD-P	78-04-080
220-47-324	AMD	78-05-018	220-57-385	AMD	78-03-034	230-04-060	AMD	78-06-066
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220-47-401	AMD	78-05-018	220-57-460	AMD	78-03-034	230-04-070	AMD	78-06-066
220-47-402	AMD-P	78-03-097	220-57-46000A	NEW-E	78-06-050	230-04-140	NEW-P	78-04-080
220-47-402	AMD	78-05-018	220-57-480	AMD	78-03-034	230-04-140	NEW	78-06-066
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220-47-411	AMD	78-05-018	220-57A-005	AMD	78-03-034	230-04-142	NEW-P	78-06-131
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220-47-413	AMD	78-05-018	220-57A-06000A	NEW-E	78-06-004	230-04-190	AMD-P	78-04-080
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220-47-414	AMD	78-05-018	220-57A-080	AMD	78-03-034	230-04-190	AMD	78-06-066
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220-47-426	AMD-P	78-03-097	220-57A-125	AMD	78-03-034	230-04-290	AMD	78-06-066
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220-48-080	AMD-P	78-02-111	220-57A-185	AMD	78-03-034	230-04-310	AMD	78-06-066
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220-48-096	AMD-P	78-02-111	220-69-220	AMD	78-03-031	230-04-332	REP-P	78-06-131
220-48-096	AMD	78-04-039	229-69-230	AMD	78-03-031	230-04-332	AMD-P	78-06-131
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220-48-09600B	NEW-E	78-04-016	220-69-232	AMD	78-03-031	230-04-450	AMD-P	78-04-080
220-48-098	NEW-P	78-02-111	220-69-233	AMD	78-03-031	230-04-450	AMD	78-06-066
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220-48-09800A	NEW-E	78-04-059	220-69-235	AMD	78-03-031	230-04-452	NEW-P	78-06-131
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220-49-02000A	NEW-E	78-04-053	220-69-255	AMD	78-03-031	230-12-080	AMD-P	78-04-080
220-49-02000A	REP-E	78-05-035	220-69-271	AMD	78-03-031	230-12-080	AMD	78-06-066
220-49-02000B	NEW-E	78-06-005	220-69-280	AMD	78-03-031	230-25-110	NEW-P	78-01-034
220-49-02000B	REP-E	78-06-108	220-74-010	NEW-P	78-07-088	230-25-110	AMD	78-03-061
220-49-02100A	NEW-E	78-05-035	220-74-015	NEW-P	78-07-088	230-25-220	AMD-P	78-02-102
220-49-02100A	REP-E	78-06-108	220-74-020	NEW-P	78-07-088	230-25-220	AMD-E	78-03-063
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220-52-04600A	REP-E	78-01-033	220-85-220	NEW-P	78-07-090	230-25-260	NEW	78-04-032
220-52-05300B	NEW-E	78-05-071	220-85-230	NEW-P	78-07-090	230-40-250	AMD-P	78-04-080
220-52-05300B	REP-E	78-07-041	220-85-240	NEW-P	78-07-090	230-40-250	AMD	78-06-066
220-52-05300C	NEW-E	78-07-041	220-85-250	NEW-P	78-07-090	232-12-065	NEW	78-02-055
220-56-010	AMD	78-03-034	220-85-260	NEW-P	78-07-090	232-12-240	AMD	78-02-055
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220-56-064	AMD	78-03-034	220-100-040	AMD-P	78-03-092	232-28-201	NEW	78-07-085
220-56-065	AMD	78-03-034	220-100-040	AMD	78-05-029	232-28-300	REP-P	78-04-102
220-56-080	AMD	78-03-034	220-100-045	NEW-P	78-03-092	232-28-300	REP	78-07-085
220-56-08000B	NEW-E	78-01-033	220-100-045	NEW	78-05-029	232-28-301	NEW-P	78-04-102
220-56-08000B	REP-E	78-04-016	220-100-050	AMD-P	78-03-092	232-28-301	NEW	78-07-085
220-56-08000C	NEW-E	78-06-055	220-100-050	AMD	78-05-029	232-28-400	REP-P	78-07-084
220-56-08000C	REP-E	78-06-108	220-100-060	AMD-P	78-03-092	232-28-401	NEW-P	78-07-084
220-56-08000D	NEW-E	78-06-108	220-100-060	AMD	78-05-029	232-28-500	REP-P	78-05-104
220-56-082	AMD	78-03-034	220-100-080	AMD-P	78-03-092	232-28-501	NEW-P	78-05-104
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232-28-600000A	REP-E	78-03-073	236-12-300	AMD-P	78-03-091	248-14-255	NEW-P	78-05-106
232-28-600000B	NEW-E	78-03-025	236-12-300	AMD	78-05-006	248-14-260	AMD-P	78-03-124
232-28-600000C	NEW-E	78-03-026	236-12-320	AMD-P	78-03-091	248-14-260	AMD-P	78-05-106
232-28-600000D	NEW-E	78-03-073	236-12-320	AMD	78-05-006	248-14-265	NEW-P	78-01-036
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232-28-800	NEW-P	78-02-046	236-12-330	REP	78-05-006	248-14-270	AMD-P	78-03-124
232-28-800	NEW	78-05-057	236-12-340	NEW-P	78-03-091	248-14-270	AMD-P	78-05-106
232-32-101	NEW-E	78-02-026	236-12-340	NEW	78-05-006	248-14-401	NEW-P	78-03-124
232-32-101	REP-E	78-03-073	236-12-410	REP-P	78-03-091	248-14-401	NEW-P	78-05-106
232-32-102	NEW-E	78-02-027	236-12-410	REP	78-05-006	248-15-010	NEW-P	78-06-132
232-32-103	NEW-E	78-02-028	236-12-420	REP-P	78-03-091	248-15-020	NEW-P	78-06-132
232-32-104	NEW-E	78-02-029	236-12-420	REP	78-05-006	248-15-030	NEW-P	78-06-132
232-32-105	NEW-E	78-02-040	236-12-440	AMD-P	78-03-091	248-15-040	NEW-P	78-06-132
232-32-106	NEW-E	78-02-044	236-12-440	AMD	78-05-006	248-15-050	NEW-P	78-06-132
232-32-107	NEW-E	78-02-047	236-12-500	NEW-P	78-03-091	248-15-060	NEW-P	78-06-132
232-32-108	NEW-E	78-02-080	236-12-500	NEW	78-05-006	248-15-070	NEW-P	78-06-132
232-32-109	NEW-E	78-03-026	236-12-600	NEW-P	78-03-091	248-15-080	NEW-P	78-06-132
232-32-110	NEW-E	78-03-073	236-12-600	NEW	78-05-006	248-15-090	NEW-P	78-06-132
232-32-111	NEW-E	78-04-047	236-16-010	AMD-P	78-07-068	248-15-100	NEW-P	78-06-132
232-32-200	REP-E	78-03-020	236-16-060	AMD-P	78-07-068	248-15-110	NEW-P	78-06-132
232-32-300	REP-E	78-03-026	236-49-050	REP	78-02-060	248-18-202	NEW-P	78-05-107
232-32-300A	REP-E	78-02-080	236-60-001	NEW	78-02-066	248-18-245	AMD	78-03-058
232-32-300B	NEW-E	78-02-010	236-60-005	NEW	78-02-066	248-33-100	AMD	78-03-060
232-32-300B	REP-E	78-02-080	236-60-010	NEW	78-02-066	248-55	NEW-P	78-03-056
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236-12	-P	78-05-005	236-60-040	NEW	78-02-066	248-56-200	NEW-P	78-05-093
236-12-001	AMD-P	78-03-091	236-60-050	NEW	78-02-066	248-56-200	NEW	78-07-048
236-12-001	AMD	78-05-006	236-60-060	NEW	78-02-066	248-56-300	NEW-P	78-05-093
236-12-010	AMD-P	78-03-091	236-60-070	NEW	78-02-066	248-56-300	NEW	78-07-048
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236-12-011	AMD-P	78-03-091	236-60-090	NEW	78-02-066	248-56-310	NEW	78-07-048
236-12-011	AMD	78-05-006	236-60-100	NEW	78-02-066	248-56-400	NEW-P	78-05-093
236-12-012	AMD-P	78-03-091	248-06-040	AMD-P	78-05-109	248-56-400	NEW	78-07-048
236-12-012	AMD	78-05-006	248-06-055	AMD-P	78-05-109	248-56-500	NEW-P	78-05-093
236-12-013	NEW-P	78-03-091	248-06-100	AMD-P	78-05-109	248-56-500	NEW	78-07-048
236-12-013	NEW	78-05-006	248-06-174	NEW-P	78-05-109	248-56-510	NEW-P	78-05-093
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236-12-020	AMD	78-05-006	248-06-176	AMD-P	78-05-109	248-56-600	NEW-P	78-05-093
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236-12-030	AMD	78-05-006	248-06-203	AMD-P	78-05-109	248-56-610	NEW-P	78-05-093
236-12-040	AMD-P	78-03-091	248-06-305	AMD-P	78-05-109	248-56-610	NEW	78-07-048
236-12-040	AMD	78-05-006	248-06-340	NEW-P	78-05-109	248-56-620	NEW-P	78-05-093
236-12-050	AMD-P	78-03-091	248-06-350	NEW-P	78-05-109	248-56-620	NEW	78-07-048
236-12-050	AMD	78-05-006	248-06-380	AMD-P	78-05-109	248-56-630	NEW-P	78-05-093
236-12-060	AMD-P	78-03-091	248-06-410	NEW-P	78-05-109	248-56-630	NEW	78-07-048
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236-12-061	NEW-P	78-03-091	248-06-455	NEW-P	78-05-109	248-56-640	NEW	78-07-048
236-12-061	NEW	78-05-006	248-06-460	NEW-P	78-05-109	248-56-700	NEW-P	78-05-093
236-12-080	AMD-P	78-03-091	248-06-480	NEW-P	78-05-109	248-56-700	NEW	78-07-048
236-12-080	AMD	78-05-006	248-06-510	AMD-P	78-05-109	248-56-710	NEW-P	78-05-093
236-12-085	AMD-E	78-03-090	248-06-550	NEW-P	78-05-109	248-56-710	NEW	78-07-048
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236-12-085	AMD	78-05-006	248-06-700	AMD-P	78-05-109	248-56-720	NEW	78-07-048
236-12-090	REP-P	78-03-091	248-06-810	AMD-P	78-05-109	248-56-730	NEW-P	78-05-093
236-12-090	REP	78-05-006	248-06-815	NEW-P	78-05-109	248-56-730	NEW	78-07-048
236-12-120	AMD-P	78-03-091	248-06-820	AMD-P	78-05-109	248-56-740	NEW-P	78-05-093
236-12-120	AMD	78-05-006	248-06-830	REP-P	78-05-109	248-56-740	NEW	78-07-048
236-12-130	AMD-P	78-03-091	248-06-831	NEW-P	78-05-109	248-56-750	NEW-P	78-05-093
236-12-130	AMD	78-05-006	248-06-833	NEW-P	78-05-109	248-56-750	NEW	78-07-048
236-12-131	NEW-P	78-03-091	248-14	AMD-P	78-07-079	248-56-760	NEW-P	78-05-093
236-12-131	NEW	78-05-006	248-14-001	AMD-P	78-03-124	248-56-760	NEW	78-07-048
236-12-132	NEW-P	78-03-091	248-14-001	AMD-P	78-05-106	248-56-800	NEW-P	78-05-093
236-12-132	NEW	78-05-006	248-14-230	AMD-P	78-01-036	248-56-800	NEW	78-07-048
236-12-133	NEW-P	78-03-091	248-14-230	AMD-P	78-03-124	248-56-810	NEW-P	78-05-093
236-12-133	NEW	78-05-006	248-14-230	AMD-P	78-05-106	248-56-810	NEW	78-07-048
236-12-140	AMD-P	78-03-091	248-14-240	AMD-P	78-01-036	248-56-900	NEW-P	78-05-093
236-12-140	AMD	78-05-006	248-14-240	AMD-P	78-03-124	248-56-900	NEW	78-07-048
236-12-220	AMD-P	78-03-091	248-14-240	AMD-P	78-05-106	248-58-001	AMD-P	78-05-108
236-12-220	AMD	78-05-006	248-14-245	NEW-P	78-03-124	248-58-005	NEW-P	78-05-108
236-12-225	AMD-P	78-03-091	248-14-245	NEW-P	78-05-106	248-58-010	AMD-P	78-05-108
236-12-225	AMD	78-05-006	248-14-250	AMD-P	78-03-124	248-58-020	AMD-P	78-05-108

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-58-030	AMD-P	78-05-108	248-116-904	REP-P	78-07-082	251-18-260	AMD	78-06-068
248-58-040	AMD-P	78-05-108	248-120	REP-P	78-07-080	251-18-330	AMD	78-02-094
248-58-050	AMD-P	78-05-108	248-136-110	REP-P	78-06-009	251-18-340	AMD	78-02-094
248-58-060	AMD-P	78-05-108	248-136-120	REP-P	78-06-009	251-20-010	NEW-P	78-04-100
248-58-070	AMD-P	78-05-108	248-136-130	REP-P	78-06-009	251-20-010	NEW	78-06-068
248-58-080	AMD-P	78-05-108	248-136-140	REP-P	78-06-009	251-20-020	NEW-P	78-04-100
248-58-090	AMD-P	78-05-108	248-136-150	REP-P	78-06-009	251-20-020	NEW	78-06-068
248-58-100	REP-P	78-05-108	248-136-160	REP-P	78-06-009	251-20-030	NEW-P	78-04-100
248-58-110	REP-P	78-05-108	248-136-170	REP-P	78-06-009	251-20-030	NEW	78-06-068
248-58-120	REP-P	78-05-108	248-136-180	REP-P	78-06-009	251-20-040	NEW-P	78-04-100
248-58-130	REP-P	78-05-108	248-136-190	REP-P	78-06-009	251-20-040	NEW	78-06-068
248-58-140	REP-P	78-05-108	248-136-990	REP-P	78-06-009	251-20-050	NEW-P	78-04-100
248-58-150	REP-P	78-05-108	248-136-App.A	REP-P	78-06-009	251-20-050	NEW	78-06-068
248-58-160	REP-P	78-05-108	248-148-020	AMD	78-06-085	251-20-060	NEW-P	78-04-100
248-58-170	REP-P	78-05-108	250-16-001	NEW	78-05-023	251-20-060	NEW	78-06-068
248-58-180	REP-P	78-05-108	250-16-010	AMD	78-05-023	251-22-200	AMD-P	78-04-100
248-58-190	REP-P	78-05-108	250-16-020	AMD	78-05-023	251-22-200	AMD	78-06-068
248-58-200	REP-P	78-05-108	250-16-030	AMD	78-05-023	252-09-010	AMD-P	78-05-032
248-58-210	REP-P	78-05-108	250-16-040	AMD	78-05-023	252-09-010	AMD	78-07-083
248-58-220	REP-P	78-05-108	250-16-050	AMD	78-05-023	252-09-020	AMD-P	78-05-032
248-58-500	NEW-P	78-05-108	250-20-021	AMD-P	78-02-085	252-09-020	AMD	78-07-083
248-58-900	NEW-P	78-05-108	250-20-021	AMD	78-05-063	252-09-025	AMD-P	78-05-032
248-60A-010	REP-P	78-03-123	250-40-050	AMD-P	78-02-084	252-09-025	AMD	78-07-083
248-60A-020	REP-P	78-03-123	250-40-050	AMD-P	78-05-056	252-09-040	AMD-P	78-05-032
248-60A-030	REP-P	78-03-123	250-40-050	AMD-P	78-06-015	252-09-040	AMD	78-07-083
248-60A-040	REP-P	78-03-123	251-04-020	AMD-P	78-04-100	252-09-055	AMD-P	78-05-032
248-60A-050	REP-P	78-03-123	251-04-020	AMD	78-06-068	252-09-055	AMD	78-07-083
248-60A-060	REP-P	78-03-123	251-06-060	AMD-P	78-03-098	252-09-060	AMD-P	78-05-032
248-60A-070	REP-P	78-03-123	251-06-060	AMD	78-05-060	252-09-060	AMD	78-07-083
248-60A-080	REP-P	78-03-123	251-06-065	AMD-P	78-04-100	252-09-060	AMD	78-05-032
248-60A-090	REP-P	78-03-123	251-06-070	AMD-P	78-04-100	252-09-170	AMD-P	78-05-032
248-60A-100	REP-P	78-03-123	251-06-070	AMD	78-06-068	252-09-170	AMD	78-07-083
248-60A-110	REP-P	78-03-123	251-08-100	AMD-P	78-04-100	252-09-180	AMD-P	78-05-032
248-60A-120	REP-P	78-03-123	251-08-100	AMD	78-06-068	252-09-180	AMD	78-07-083
248-60A-130	REP-P	78-03-123	251-08-110	AMD-P	78-04-100	252-09-185	AMD-P	78-05-032
248-60A-140	REP-P	78-03-123	251-08-112	AMD-P	78-04-100	252-09-185	AMD	78-07-083
248-60A-150	REP-P	78-03-123	251-08-112	AMD	78-06-068	252-09-205	REP-P	78-05-032
248-60A-160	REP-P	78-03-123	251-08-112	AMD	78-06-068	252-09-205	REP	78-07-083
248-60A-170	REP-P	78-03-123	251-09-025	AMD-P	78-04-100	252-09-520	AMD-P	78-05-032
248-61-001	REP-P	78-03-122	251-09-030	AMD-P	78-04-100	252-09-520	AMD	78-07-083
248-61-010	REP-P	78-03-122	251-09-030	AMD	78-06-068	252-09-550	AMD-P	78-05-032
248-61-015	REP-P	78-03-122	251-09-090	AMD-P	78-04-100	252-09-550	AMD	78-07-083
248-61-020	REP-P	78-03-122	251-09-090	AMD-E	78-05-058	252-09-820	AMD-P	78-05-032
248-61-030	REP-P	78-03-122	251-09-090	AMD	78-06-068	252-09-820	AMD	78-07-083
248-61-040	REP-P	78-03-122	251-10-055	AMD-P	78-04-100	252-09-830	REP-P	78-05-032
248-61-050	REP-P	78-03-122	251-10-055	AMD	78-06-068	252-09-830	REP	78-07-083
248-61-060	REP-P	78-03-122	251-10-140	AMD-P	78-04-100	252-09-990	AMD-P	78-05-032
248-61-070	REP-P	78-03-122	251-10-140	AMD	78-06-068	252-09-990	AMD	78-07-083
248-61-080	REP-P	78-03-122	251-12-095	NEW-P	78-04-100	252-20-040	AMD-P	78-04-051
248-61-090	REP-P	78-03-122	251-12-095	NEW	78-06-068	252-20-040	AMD-P	78-05-033
248-61-100	REP-P	78-03-122	251-12-240	AMD-P	78-04-100	252-20-040	AMD-E	78-06-041
248-61-110	REP-P	78-03-122	251-12-240	AMD	78-06-068	252-20-040	AMD-E	78-06-059
248-61-120	REP-P	78-03-122	251-14-040	AMD-P	78-03-098	252-20-040	AMD	78-06-089
248-61-130	REP-P	78-03-122	251-14-040	AMD-P	78-05-059	252-24-150	AMD-P	78-06-061
248-61-140	REP-P	78-03-122	251-14-040	AMD-P	78-06-067	252-24-312	AMD-P	78-06-060
248-61-150	REP-P	78-03-122	251-14-040	AMD	78-07-072	252-32-011	AMD-P	78-05-031
248-61-160	REP-P	78-03-122	251-14-080	AMD-P	78-03-098	252-32-011	AMD	78-07-049
248-61-170	REP-P	78-03-122	251-14-080	AMD	78-05-060	252-32-002	AMD-P	78-02-088
248-61-180	REP-P	78-03-122	251-18-030	AMD-P	78-04-100	252-32-002	AMD	78-04-052
248-100-450	AMD	78-03-059	251-18-030	AMD	78-06-068	252-32-539	AMD	78-02-078
248-102-030	REP-P	78-07-081	251-18-070	AMD	78-02-094	252-50-010	AMD-P	78-06-090
248-102-040	REP-P	78-07-081	251-18-110	AMD	78-02-094	252-50-020	AMD-P	78-06-090
248-102-050	REP-P	78-07-081	251-18-115	AMD	78-02-094	252-50-030	AMD-P	78-06-090
248-102-060	REP-P	78-07-081	251-18-140	AMD	78-02-094	252-300	-P	78-06-040
248-116-010	REP-P	78-07-082	251-18-140	AMD-P	78-06-068	252-990	-P	78-05-034
248-116-020	REP-P	78-07-082	251-18-140	AMD	78-04-100	252-990	AMD	78-07-050
248-116-030	REP-P	78-07-082	251-18-160	AMD-P	78-06-068	252-990	AMD-P	78-07-075
248-116-040	REP-P	78-07-082	251-18-160	AMD	78-04-100	260-40-100	AMD-P	78-06-092
248-116-050	REP-P	78-07-082	251-18-176	AMD-P	78-06-068	260-70-010	AMD-P	78-03-095
248-116-060	REP-P	78-07-082	251-18-176	AMD	78-02-094	260-70-020	AMD-P	78-03-095
248-116-900	REP-P	78-07-082	251-18-181	AMD	78-04-100	260-70-020	AMD	78-06-001
248-116-901	REP-P	78-07-082	251-18-181	AMD-P	78-06-068	260-70-050	AMD-P	78-03-095
248-116-902	REP-P	78-07-082	251-18-230	AMD	78-02-094	260-70-050	AMD	78-06-001
248-116-903	REP-P	78-07-082	251-18-240	AMD	78-02-094	260-70-060	AMD-P	78-03-095
			251-18-260	AMD-P	78-04-100	260-70-060	AMD	78-06-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
260-70-070	AMD-P	78-03-095	275-25-510	REP-P	78-01-037	275-34-040	NEW	78-05-020
260-70-070	AMD	78-06-001	275-25-510	REP	78-04-002	275-34-050	NEW-P	78-03-117
260-70-080	AMD-P	78-03-095	275-25-520	AMD-P	78-01-037	275-34-050	NEW	78-05-020
260-70-080	AMD	78-06-001	275-25-520	AMD	78-04-002	275-34-060	NEW-P	78-03-117
260-70-090	AMD-P	78-03-095	275-25-525	REP-P	78-01-037	275-34-060	NEW	78-05-020
260-70-170	AMD-P	78-03-095	275-25-525	REP	78-04-002	275-34-070	NEW-P	78-03-117
260-70-170	AMD	78-06-001	275-25-700	AMD-P	78-06-009	275-34-070	NEW	78-05-020
260-70-200	AMD-P	78-03-095	275-25-720	AMD-P	78-06-009	275-34-080	NEW-P	78-03-117
260-70-200	AMD	78-06-001	275-25-730	AMD-P	78-06-009	275-34-080	NEW	78-05-020
260-70-220	AMD-P	78-03-095	275-25-750	AMD-P	78-06-009	275-34-090	NEW-P	78-03-117
275-14-010	REP-P	78-06-009	275-25-770	AMD-P	78-06-009	275-34-090	NEW	78-05-020
275-14-020	REP-P	78-06-009	275-25-800	NEW-P	78-06-009	275-34-100	NEW-P	78-03-117
275-14-030	REP-P	78-06-009	275-25-810	NEW-P	78-06-009	275-34-100	NEW	78-05-020
275-14-035	REP-P	78-06-009	275-25-820	NEW-P	78-06-009	275-34-110	NEW-P	78-03-117
275-14-040	REP-P	78-06-009	275-25-830	NEW-P	78-06-009	275-34-110	NEW	78-05-020
275-14-050	REP-P	78-06-009	275-25-840	NEW-P	78-06-009	284-30-300	NEW-P	78-06-028
275-14-055	REP-P	78-06-009	275-27-020	AMD-P	78-01-039	284-30-310	NEW-P	78-06-028
275-14-060	REP-P	78-06-009	275-27-020	AMD	78-04-033	284-30-320	NEW-P	78-06-028
275-14-070	REP-P	78-06-009	275-27-040	AMD-P	78-01-039	284-30-330	NEW-P	78-06-028
275-14-080	REP-P	78-06-009	275-27-040	AMD	78-04-033	284-30-340	NEW-P	78-06-028
275-14-090	REP-P	78-06-009	275-27-050	AMD-P	78-01-039	284-30-350	NEW-P	78-06-028
275-14-100	REP-P	78-06-009	275-27-050	AMD	78-04-033	284-30-360	NEW-P	78-06-028
275-14-110	REP-P	78-06-009	275-27-060	AMD-P	78-01-039	284-30-370	NEW-P	78-06-028
275-14-120	REP-P	78-06-009	275-27-060	AMD	78-04-033	284-30-380	NEW-P	78-06-028
275-14-130	REP-P	78-06-009	275-27-230	AMD-P	78-01-039	284-30-390	NEW-P	78-06-028
275-14-140	REP-P	78-06-009	275-27-230	AMD	78-04-033	284-30-400	NEW-P	78-06-028
275-14-150	REP-P	78-06-009	275-27-300	NEW-P	78-01-039	284-30-410	NEW-P	78-06-028
275-14-160	REP-P	78-06-009	275-27-300	NEW	78-04-033	284-50-450	NEW-P	78-03-077
275-14-170	REP-P	78-06-009	275-27-310	NEW-P	78-01-039	284-50-450	NEW	78-05-039
275-14-180	REP-P	78-06-009	275-27-310	NEW	78-04-033	284-50-455	NEW-P	78-03-077
275-14-190	REP-P	78-06-009	275-27-320	NEW-P	78-01-039	284-50-455	NEW	78-05-039
275-14-200	REP-P	78-06-009	275-27-320	NEW	78-04-033	284-50-460	NEW-P	78-03-077
275-14-210	REP-P	78-06-009	275-27-400	AMD-P	78-01-039	284-50-460	NEW	78-05-039
275-16-010	AMD	78-03-029	275-27-400	AMD	78-04-033	284-50-460	AMD-P	78-06-071
275-16-020	REP	78-03-029	275-27-500	AMD-P	78-01-039	284-50-465	NEW-P	78-03-077
275-16-030	AMD	78-03-029	275-27-500	AMD	78-04-033	284-50-465	NEW	78-05-039
275-16-040	AMD	78-03-029	275-27-600	NEW-P	78-01-038	286-04-020	AMD	78-03-032
275-16-045	NEW	78-03-029	275-27-600	NEW	78-04-003	286-04-060	NEW-P	78-02-101
275-16-050	REP	78-03-029	275-27-605	NEW-P	78-01-038	286-04-060	NEW	78-03-032
275-16-060	REP	78-03-029	275-27-605	NEW	78-04-003	286-06-020	AMD	78-03-032
275-16-070	REP	78-03-029	275-27-610	NEW-P	78-01-038	286-06-040	AMD	78-03-032
275-16-080	REP	78-03-029	275-27-610	NEW	78-04-003	286-06-060	AMD	78-03-032
275-16-090	REP	78-03-029	275-27-615	NEW-P	78-01-038	286-06-140	AMD	78-03-032
275-16-100	REP	78-03-029	275-27-615	NEW	78-04-003	286-16-010	AMD	78-03-032
275-18-010	NEW-P	78-06-009	275-27-620	NEW-P	78-01-038	286-16-020	AMD	78-03-032
275-18-020	NEW-P	78-06-009	275-27-620	NEW	78-04-003	286-16-030	AMD	78-03-032
275-18-030	NEW-P	78-06-009	275-27-630	NEW-P	78-01-038	286-16-040	AMD	78-03-032
275-18-040	NEW-P	78-06-009	275-27-630	NEW	78-04-003	286-16-070	AMD	78-03-032
275-18-050	NEW-P	78-06-009	275-27-635	NEW-P	78-01-038	286-16-080	AMD	78-03-032
275-18-060	NEW-P	78-06-009	275-27-635	NEW	78-04-003	286-20-010	AMD	78-03-032
275-18-070	NEW-P	78-06-009	275-27-640	NEW-P	78-01-038	286-20-030	REP	78-03-032
275-18-080	NEW-P	78-06-009	275-27-640	NEW	78-04-003	286-24-010	AMD	78-03-032
275-18-090	NEW-P	78-06-009	275-27-660	NEW-P	78-01-038	286-24-020	AMD	78-03-032
275-18-100	NEW-P	78-06-009	275-27-660	NEW	78-04-003	286-24-040	AMD	78-03-032
275-18-110	NEW-P	78-06-009	275-27-665	NEW-P	78-01-038	286-26-010	AMD	78-03-032
275-18-120	NEW-P	78-06-009	275-27-665	NEW	78-04-003	286-26-020	AMD	78-03-032
275-18-130	NEW-P	78-06-009	275-27-680	NEW-P	78-01-038	286-26-030	AMD	78-03-032
275-18-140	NEW-P	78-06-009	275-27-680	NEW	78-04-003	286-26-040	AMD	78-03-032
275-18-150	NEW-P	78-06-009	275-27-685	NEW-P	78-01-038	286-26-050	REP	78-03-032
275-18-160	NEW-P	78-06-009	275-27-685	NEW	78-04-003	286-26-060	AMD	78-03-032
275-18-170	NEW-P	78-06-009	275-32-115	NEW	78-03-030	286-26-070	AMD	78-03-032
275-18-180	NEW-P	78-06-009	275-32-125	NEW	78-03-030	289-04-010	NEW-P	78-06-077
275-18-190	NEW-P	78-06-009	275-32-135	NEW	78-03-030	289-04-020	NEW-P	78-06-077
275-18-200	NEW-P	78-06-009	275-32-145	NEW	78-03-030	289-04-030	NEW-P	78-06-077
275-20-010	AMD	78-03-029	275-32-155	NEW	78-03-030	289-04-040	NEW-P	78-06-077
275-20-020	REP	78-03-029	275-32-165	NEW	78-03-030	289-06-010	NEW-P	78-06-077
275-20-030	AMD	78-03-029	275-32-175	NEW	78-03-030	289-06-020	NEW-P	78-06-077
275-20-035	NEW	78-03-029	275-34-010	NEW-P	78-03-117	289-06-030	NEW-P	78-06-077
275-20-040	REP	78-03-029	275-34-010	NEW	78-05-020	289-06-040	NEW-P	78-06-077
275-20-050	REP	78-03-029	275-34-020	NEW-P	78-03-117	289-06-050	NEW-P	78-06-077
275-20-060	REP	78-03-029	275-34-020	NEW	78-05-020	289-06-060	NEW-P	78-06-077
275-20-070	REP	78-03-029	275-34-030	NEW-P	78-03-117	289-06-070	NEW-P	78-06-077
275-25-010	AMD-P	78-06-009	275-34-030	NEW	78-05-020	289-06-080	NEW-P	78-06-077
275-25-020	AMD-P	78-06-009	275-34-040	NEW-P	78-03-117	289-06-090	NEW-P	78-06-077

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289-06-100	NEW-P	78-06-077	296-37-330	REP-P	78-04-079	296-46-350	AMD	78-02-098
296-04-160	AMD-P	78-06-012	296-37-330	REP-E	78-06-016	296-46-390	AMD	78-02-098
296-04-165	NEW-P	78-06-012	296-37-340	REP-P	78-04-079	296-46-400	REP	78-02-098
296-04-275	NEW-P	78-06-012	296-37-340	REP-E	78-06-016	296-46-401	REP	78-02-098
296-11-001	AMD-P	78-07-032	296-37-350	REP-P	78-04-079	296-46-402	REP	78-02-098
296-11-003	NEW-P	78-07-032	296-37-350	REP-E	78-06-016	296-46-424	AMD	78-02-098
296-24-020	AMD-P	78-04-079	296-37-360	REP-P	78-04-079	296-46-425	REP	78-02-098
296-24-040	AMD-P	78-04-079	296-37-360	REP-E	78-06-016	296-46-426	AMD	78-02-098
296-24-045	NEW-P	78-04-079	296-37-370	REP-P	78-04-079	296-46-450	REP	78-02-098
296-24-060	AMD-P	78-04-079	296-37-370	REP-E	78-06-016	296-46-460	REP	78-02-098
296-24-955	AMD-P	78-04-079	296-37-380	REP-P	78-04-079	296-46-480	AMD	78-02-098
296-27-010	AMD-E	78-04-078	296-37-380	REP-E	78-06-016	296-46-492	NEW	78-02-098
296-27-010	AMD-P	78-04-079	296-37-390	REP-P	78-04-079	296-46-493	NEW	78-02-098
296-27-010	AMD	78-07-052	296-37-390	REP-E	78-06-016	296-46-495	NEW	78-02-098
296-27-020	AMD-E	78-04-078	296-37-395	REP-P	78-04-079	296-46-500	AMD	78-02-098
296-27-020	AMD-P	78-04-079	296-37-395	REP-E	78-06-016	296-46-510	AMD	78-02-098
296-27-020	AMD	78-07-052	296-37-400	REP-P	78-04-079	296-46-515	AMD	78-02-098
296-27-030	AMD-E	78-04-078	296-37-400	REP-E	78-06-016	296-46-525	AMD	78-02-098
296-27-030	AMD-P	78-04-079	296-37-410	REP-P	78-04-079	296-46-590	NEW	78-02-098
296-27-030	AMD	78-07-052	296-37-410	REP-E	78-06-016	296-46-59005	NEW	78-02-098
296-27-050	AMD-E	78-04-078	296-37-420	REP-P	78-04-079	296-46-59010	NEW	78-02-098
296-27-050	AMD-P	78-04-079	296-37-420	REP-E	78-06-016	296-46-900	AMD	78-02-098
296-27-050	AMD	78-07-052	296-37-430	REP-P	78-04-079	296-46-910	NEW	78-02-098
296-27-060	AMD-E	78-04-078	296-37-430	REP-E	78-06-016	296-46-App.A	REP	78-02-098
296-27-060	AMD-P	78-04-079	296-37-440	REP-P	78-04-079	296-46-App.B	REP	78-02-098
296-27-060	AMD	78-07-052	296-37-440	REP-E	78-06-016	296-52-010	AMD-P	78-04-079
296-27-077	NEW-E	78-04-078	296-37-450	REP-P	78-04-079	296-52-010	AMD	78-07-052
296-27-077	NEW-P	78-04-079	296-37-450	REP-E	78-06-016	296-52-012	AMD-E	78-04-001
296-27-077	NEW	78-07-052	296-37-460	REP-P	78-04-079	296-52-020	AMD-E	78-04-001
296-27-120	AMD-E	78-04-078	296-37-460	REP-E	78-06-016	296-52-030	AMD-E	78-04-001
296-27-120	AMD-P	78-04-079	296-37-510	NEW-P	78-04-079	296-52-090	AMD-E	78-04-001
296-27-120	AMD	78-07-052	296-37-510	NEW-E	78-06-016	296-62-07335	NEW-E	78-04-022
296-27-140	AMD-E	78-04-078	296-37-515	NEW-P	78-04-079	296-62-07335	NEW-P	78-04-079
296-27-140	AMD-P	78-04-079	296-37-515	NEW-E	78-06-016	296-62-07341	NEW-E	78-04-044
296-27-140	AMD	78-07-052	296-37-520	NEW-P	78-04-079	296-62-07341	NEW-P	78-04-079
296-27-150	AMD-E	78-04-078	296-37-520	NEW-E	78-06-016	296-62-07341	NEW	78-07-052
296-27-150	AMD-P	78-04-079	296-37-525	NEW-P	78-04-079	296-62-07345	NEW-E	78-04-044
296-27-150	AMD	78-07-052	296-37-525	NEW-E	78-06-016	296-62-07345	NEW-P	78-04-079
296-37-010	REP-P	78-04-079	296-37-530	NEW-P	78-04-079	296-62-07345	NEW	78-07-052
296-37-010	REP-E	78-06-016	296-37-530	NEW-E	78-06-016	296-104-050	AMD-E	78-03-036
296-37-020	REP-P	78-04-079	296-37-535	NEW-P	78-04-079	296-104-050	AMD	78-03-057
296-37-020	REP-E	78-06-016	296-37-535	NEW-E	78-06-016	296-104-065	AMD-E	78-03-036
296-37-030	REP-P	78-04-079	296-37-540	NEW-P	78-04-079	296-104-065	AMD	78-03-057
296-37-030	REP-E	78-06-016	296-37-540	NEW-E	78-06-016	296-104-170	AMD-E	78-03-036
296-37-040	REP-P	78-04-079	296-37-545	NEW-P	78-04-079	296-104-170	AMD	78-03-057
296-37-040	REP-E	78-06-016	296-37-545	NEW-E	78-06-016	296-104-200	AMD-E	78-07-086
296-37-050	REP-P	78-04-079	296-37-550	NEW-P	78-04-079	296-104-200	AMD-P	78-07-087
296-37-050	REP-E	78-06-016	296-37-550	NEW-E	78-06-016	296-104-235	AMD-E	78-03-036
296-37-060	REP-P	78-04-079	296-37-555	NEW-P	78-04-079	296-104-235	AMD	78-03-057
296-37-060	REP-E	78-06-016	296-37-555	NEW-E	78-06-016	296-104-245	AMD-E	78-03-036
296-37-070	REP-P	78-04-079	296-37-560	NEW-P	78-04-079	296-104-245	AMD	78-03-057
296-37-070	REP-E	78-06-016	296-37-560	NEW-E	78-06-016	296-104-250	REP-E	78-03-036
296-37-071	REP-P	78-04-079	296-37-565	NEW-P	78-04-079	296-104-250	REP	78-03-057
296-37-071	REP-E	78-06-016	296-37-565	NEW-E	78-06-016	296-104-275	REP-E	78-03-036
296-37-072	REP-P	78-04-079	296-37-570	NEW-P	78-04-079	296-104-275	REP	78-03-057
296-37-072	REP-E	78-06-016	296-37-570	NEW-E	78-06-016	296-104-280	REP-E	78-03-036
296-37-080	REP-P	78-04-079	296-37-575	NEW-P	78-04-079	296-104-280	REP	78-03-057
296-37-080	REP-E	78-06-016	296-37-575	NEW-E	78-06-016	296-104-285	NEW-E	78-03-036
296-37-081	REP-P	78-04-079	296-37-580	NEW-P	78-04-079	296-104-285	NEW	78-03-057
296-37-081	REP-E	78-06-016	296-37-580	NEW-E	78-06-016	296-104-315	AMD-E	78-03-036
296-37-082	REP-P	78-04-079	296-37-585	NEW-P	78-04-079	296-104-315	AMD	78-03-057
296-37-082	REP-E	78-06-016	296-37-585	NEW-E	78-06-016	296-116-010	AMD-P	78-07-032
296-37-090	REP-P	78-04-079	296-46-110	AMD	78-02-098	296-116-020	AMD-P	78-07-032
296-37-090	REP-E	78-06-016	296-46-140	AMD	78-02-098	296-116-030	AMD-P	78-07-032
296-37-100	REP-P	78-04-079	296-46-150	AMD	78-02-098	296-116-040	AMD-P	78-07-032
296-37-100	REP-E	78-06-016	296-46-200	AMD	78-02-098	296-116-060	AMD-P	78-07-032
296-37-110	REP-P	78-04-079	296-46-220	AMD	78-02-098	296-116-070	AMD-P	78-07-032
296-37-110	REP-E	78-06-016	296-46-242	NEW	78-02-098	296-116-205	NEW-P	78-07-032
296-37-300	REP-P	78-04-079	296-46-244	NEW	78-02-098	296-116-2051	NEW-P	78-07-032
296-37-300	REP-E	78-06-016	296-46-250	REP	78-02-098	296-116-300	AMD	78-02-008
296-37-310	REP-P	78-04-079	296-46-260	REP	78-02-098	296-116-320	AMD	78-02-008
296-37-310	REP-E	78-06-016	296-46-265	REP	78-02-098	296-116-351	AMD	78-02-008
296-37-320	REP-P	78-04-079	296-46-270	AMD	78-02-098	296-126-200	NEW	78-03-004
296-37-320	REP-E	78-06-016	296-46-320	REP	78-02-098	296-126-202	NEW	78-03-004

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-126-204	NEW	78-03-004	297-40-280	REP	78-03-023	308-04-010	AMD	78-04-040
296-126-206	NEW	78-03-004	297-40-290	REP	78-03-023	308-08-005	AMD-E	78-06-030
296-126-208	NEW	78-03-004	297-40-300	REP	78-03-023	308-08-005	AMD-P	78-06-078
296-126-210	NEW	78-03-004	297-40-310	REP	78-03-023	308-26-005	AMD-P	78-05-061
296-126-212	NEW	78-03-004	297-40-320	REP	78-03-023	308-26-005	AMD-P	78-07-033
296-126-214	NEW	78-03-004	297-40-330	REP	78-03-023	308-26-005	AMD	78-07-073
296-126-216	NEW	78-03-004	297-40-340	REP	78-03-023	308-26-011	NEW-P	78-05-061
296-126-218	NEW	78-03-004	297-40-350	REP	78-03-023	308-26-011	NEW-P	78-07-033
296-126-220	NEW	78-03-004	297-40-360	REP	78-03-023	308-26-011	NEW	78-07-073
296-126-222	NEW	78-03-004	297-40-370	REP	78-03-023	308-52-050	REP-P	78-02-115
296-126-224	NEW	78-03-004	297-40-380	REP	78-03-023	308-52-050	REP	78-04-028
296-126-226	NEW	78-03-004	297-40-390	REP	78-03-023	308-52-136	NEW-P	78-02-115
296-305-005	AMD-P	78-04-079	297-40-400	REP	78-03-023	308-52-136	NEW	78-04-029
296-305-005	AMD-E	78-05-027	297-40-410	REP	78-03-023	308-52-137	NEW-P	78-02-115
297-10-010	REP	78-03-023	297-40-420	REP	78-03-023	308-52-137	NEW	78-04-029
297-15-010	REP	78-03-023	297-40-430	REP	78-03-023	308-52-138	NEW-P	78-02-115
297-20-010	REP	78-03-023	297-40-440	REP	78-03-023	308-52-138	NEW	78-04-029
297-20-020	REP	78-03-023	297-40-450	REP	78-03-023	308-52-139	NEW-P	78-02-115
297-20-030	REP	78-03-023	297-40-460	REP	78-03-023	308-52-139	NEW	78-04-029
297-25-010	REP	78-03-023	297-40-470	REP	78-03-023	308-52-140	NEW-P	78-02-115
297-25-020	REP	78-03-023	297-40-480	REP	78-03-023	308-52-140	NEW	78-04-029
297-25-030	REP	78-03-023	297-40-490	REP	78-03-023	308-52-141	NEW-P	78-02-115
297-25-040	REP	78-03-023	297-40-500	REP	78-03-023	308-52-141	NEW	78-04-029
297-25-050	REP	78-03-023	297-40-510	REP	78-03-023	308-52-142	NEW-P	78-02-115
297-30-010	REP	78-03-023	297-40-520	REP	78-03-023	308-52-142	NEW	78-04-029
297-30-020	REP	78-03-023	297-40-530	REP	78-03-023	308-52-143	NEW-P	78-02-115
297-30-030	REP	78-03-023	297-40-540	REP	78-03-023	308-52-143	NEW	78-04-029
297-30-040	REP	78-03-023	297-40-550	REP	78-03-023	308-52-144	NEW-P	78-02-115
297-30-050	REP	78-03-023	297-45-010	REP	78-03-023	308-52-144	NEW	78-04-029
297-30-060	REP	78-03-023	297-45-020	REP	78-03-023	308-52-260	AMD-P	78-02-115
297-30-070	REP	78-03-023	297-50-010	REP	78-03-023	308-52-260	AMD	78-04-028
297-30-080	REP	78-03-023	297-50-020	REP	78-03-023	308-52-260	AMD-E	78-04-030
297-35-010	REP	78-03-023	297-50-030	REP	78-03-023	308-52-270	AMD-P	78-02-115
297-35-020	REP	78-03-023	297-50-040	REP	78-03-023	308-52-270	AMD	78-04-028
297-35-030	REP	78-03-023	297-50-050	REP	78-03-023	308-53-030	NEW	78-02-030
297-35-040	REP	78-03-023	297-50-060	REP	78-03-023	308-53-070	NEW	78-02-030
297-35-050	REP	78-03-023	297-50-070	REP	78-03-023	308-53-130	REP-P	78-02-115
297-35-060	REP	78-03-023	297-50-080	REP	78-03-023	308-53-160	AMD	78-02-030
297-35-070	REP	78-03-023	297-50-090	REP	78-03-023	308-53-205	NEW	78-02-030
297-35-080	REP	78-03-023	297-50-100	REP	78-03-023	308-53-230	AMD	78-02-030
297-35-090	REP	78-03-023	297-50-110	REP	78-03-023	308-53-235	NEW	78-02-030
297-35-100	REP	78-03-023	297-50-120	REP	78-03-023	308-53-260	NEW	78-02-030
297-35-110	REP	78-03-023	297-50-130	REP	78-03-023	308-54-010	AMD	78-02-009
297-35-120	REP	78-03-023	297-50-140	REP	78-03-023	308-54-040	AMD	78-02-009
297-35-130	REP	78-03-023	297-50-150	REP	78-03-023	308-54-095	NEW	78-02-009
297-35-140	REP	78-03-023	297-50-160	REP	78-03-023	308-54-160	AMD	78-02-009
297-35-150	REP	78-03-023	297-50-170	REP	78-03-023	308-54-170	AMD	78-02-009
297-35-160	REP	78-03-023	297-50-180	REP	78-03-023	308-54-200	AMD	78-02-009
297-40-010	REP	78-03-023	297-50-190	REP	78-03-023	308-54-210	REP	78-02-009
297-40-040	REP	78-03-023	297-50-200	REP	78-03-023	308-54-220	AMD	78-02-009
297-40-050	REP	78-03-023	297-50-210	REP	78-03-023	308-54-225	NEW	78-02-009
297-40-060	REP	78-03-023	297-50-220	REP	78-03-023	308-54-240	AMD	78-02-009
297-40-070	REP	78-03-023	297-50-230	REP	78-03-023	308-104-045	AMD-P	78-02-087
297-40-080	REP	78-03-023	297-50-240	REP	78-03-023	308-104-045	AMD	78-04-041
297-40-090	REP	78-03-023	297-50-250	REP	78-03-023	308-120-160	AMD-P	78-03-080
297-40-100	REP	78-03-023	297-50-260	REP	78-03-023	308-120-160	AMD	78-05-085
297-40-110	REP	78-03-023	297-50-270	REP	78-03-023	308-120-185	AMD-P	78-03-080
297-40-120	REP	78-03-023	297-55-010	REP	78-03-023	308-120-185	AMD	78-05-085
297-40-130	REP	78-03-023	297-55-020	REP	78-03-023	308-120-260	AMD-P	78-06-118
297-40-140	REP	78-03-023	297-55-030	REP	78-03-023	308-120-340	NEW-P	78-03-079
297-40-150	REP	78-03-023	297-55-040	REP	78-03-023	308-120-340	NEW	78-05-085
297-40-160	REP	78-03-023	297-55-050	REP	78-03-023	308-120-350	NEW-P	78-03-079
297-40-170	REP	78-03-023	297-55-060	REP	78-03-023	308-120-350	NEW	78-05-085
297-40-180	REP	78-03-023	297-55-070	REP	78-03-023	308-120-400	NEW-P	78-03-068
297-40-190	REP	78-03-023	297-55-080	REP	78-03-023	308-120-400	NEW-P	78-06-119
297-40-200	REP	78-03-023	297-55-090	REP	78-03-023	308-120-410	NEW-P	78-03-068
297-40-210	REP	78-03-023	297-55-100	REP	78-03-023	308-120-410	NEW-P	78-06-119
297-40-220	REP	78-03-023	297-55-110	REP	78-03-023	308-120-420	NEW-P	78-03-068
297-40-230	REP	78-03-023	297-55-120	REP	78-03-023	308-120-420	NEW-P	78-06-119
297-40-240	REP	78-03-023	297-55-130	REP	78-03-023	308-120-430	NEW-P	78-03-068
297-40-250	REP	78-03-023	297-55-140	REP	78-03-023	308-120-430	NEW-P	78-06-119
297-40-260	REP	78-03-023	297-55-App.A	REP	78-03-023	308-120-440	NEW-P	78-03-068
297-40-265	REP	78-03-023	297-60-010	REP	78-03-023	308-120-440	NEW-P	78-06-119
297-40-270	REP	78-03-023	308-04-010	AMD-P	78-02-086	308-120-450	NEW-P	78-03-068

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332-40-180	AMD-P	78-03-115	332-40-600	AMD-P	78-03-115	352-10-345	AMD	78-07-023
332-40-180	AMD	78-05-015	332-40-600	AMD	78-05-015	352-10-350	AMD-P	78-04-089
332-40-190	AMD-P	78-03-115	332-40-650	AMD-P	78-03-115	352-10-350	AMD	78-07-023
332-40-190	AMD	78-05-015	332-40-650	AMD	78-05-015	352-10-355	AMD-P	78-04-089
332-40-203	AMD-P	78-03-115	332-40-660	AMD-P	78-03-115	352-10-355	AMD	78-07-023
332-40-203	AMD	78-05-015	332-40-660	AMD	78-05-015	352-10-360	AMD-P	78-04-089
332-40-205	AMD-P	78-03-115	332-40-690	AMD-P	78-03-115	352-10-360	AMD	78-07-023
332-40-205	AMD	78-05-015	332-40-690	AMD	78-05-015	352-10-365	AMD-P	78-04-089
332-40-220	AMD-P	78-03-115	332-40-695	AMD-P	78-03-115	352-10-365	AMD	78-07-023
332-40-220	AMD	78-05-015	332-40-695	AMD	78-05-015	352-10-370	AMD-P	78-04-089
332-40-240	AMD-P	78-03-115	332-40-710	NEW-P	78-03-115	352-10-370	AMD	78-07-023
332-40-240	AMD	78-05-015	332-40-710	NEW	78-05-015	352-10-375	AMD-P	78-04-089
332-40-260	AMD-P	78-03-115	332-40-800	AMD-P	78-03-115	352-10-375	AMD	78-07-023
332-40-260	AMD	78-05-015	332-40-800	AMD	78-05-015	352-10-380	AMD-P	78-04-089
332-40-300	AMD-P	78-03-115	332-40-835	REP-P	78-03-115	352-10-380	AMD	78-07-023
332-40-300	AMD	78-05-015	332-40-835	REP	78-05-015	352-10-390	AMD-P	78-04-089
332-40-310	AMD-P	78-03-115	332-100-040	NEW-E	78-06-096	352-10-390	AMD	78-07-023
332-40-310	AMD	78-05-015	352-10-010	AMD-P	78-04-089	352-10-400	AMD-P	78-04-089
332-40-315	AMD-P	78-03-115	352-10-010	AMD	78-07-023	352-10-400	AMD	78-07-023
332-40-315	AMD	78-05-015	352-10-020	AMD-P	78-04-089	352-10-405	AMD-P	78-04-089
332-40-320	AMD-P	78-03-115	352-10-020	AMD	78-07-023	352-10-405	AMD	78-07-023
332-40-320	AMD	78-05-015	352-10-025	AMD-P	78-04-089	352-10-410	AMD-P	78-04-089
332-40-330	AMD-P	78-03-115	352-10-025	AMD	78-07-023	352-10-410	AMD	78-07-023
332-40-330	AMD	78-05-015	352-10-040	AMD-P	78-04-089	352-10-420	AMD-P	78-04-089
332-40-340	AMD-P	78-03-115	352-10-040	AMD	78-07-023	352-10-420	AMD	78-07-023
332-40-340	AMD	78-05-015	352-10-050	AMD-P	78-04-089	352-10-440	AMD-P	78-04-089
332-40-345	AMD-P	78-03-115	352-10-050	AMD	78-07-023	352-10-440	AMD	78-07-023
332-40-345	AMD	78-05-015	352-10-055	AMD-P	78-04-089	352-10-442	AMD-P	78-04-089
332-40-350	AMD-P	78-03-115	352-10-055	AMD	78-07-023	352-10-442	AMD	78-07-023
332-40-350	AMD	78-05-015	352-10-060	AMD-P	78-04-089	352-10-444	AMD-P	78-04-089
332-40-355	AMD-P	78-03-115	352-10-060	AMD	78-07-023	352-10-444	AMD	78-07-023
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332-40-360	AMD	78-05-015	352-10-150	AMD-P	78-04-089	352-10-455	AMD-P	78-04-089
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332-40-370	AMD	78-05-015	352-10-175	NEW-P	78-04-089	352-10-465	AMD-P	78-04-089
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356-06-060	AMD	78-05-025	356-22-120	AMD	78-06-017	365-50-050	NEW	78-03-065
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356-10-030	AMD-P	78-07-007	356-22-230	AMD-P	78-06-019	365-50-110	NEW-P	78-04-093
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356-10-050	AMD-P	78-06-112	356-30-070	AMD-P	78-07-056	365-50-140	NEW	78-03-065
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356-10-060	AMD-P	78-06-112	356-38-030	REP	78-02-049	365-50-170	NEW	78-03-065
356-10-060	AMD-P	78-07-007	356-38-040	REP	78-02-049	365-50-170	NEW-P	78-04-093
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356-14-110	AMD	78-06-017	356-38-120	REP	78-02-049	365-50-210	NEW-P	78-04-093
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356-14-180	AMD-P	78-04-068	356-38-150	REP	78-02-049	365-50-230	NEW	78-03-065
356-14-180	AMD	78-06-017	356-38-160	REP	78-02-049	365-50-230	NEW-P	78-04-093
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356-14-210	AMD	78-06-017	356-39-030	NEW	78-02-049	365-50-250	NEW-P	78-04-093
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356-18-020	AMD	78-04-014	356-46-030	AMD-P	78-05-047	365-50-300	AMD-P	78-07-020
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365-55-060	NEW	78-04-013	388-15-170	AMD	78-04-004	388-28-459	AMD-E	78-03-054
365-55-070	NEW-P	78-02-104	388-15-172	NEW-E	78-05-044	388-28-459	AMD-P	78-03-055
365-55-070	NEW	78-04-013	388-15-172	NEW-P	78-05-045	388-28-459	AMD-P	78-05-021
365-55-080	NEW-P	78-02-104	388-15-172	NEW	78-07-021	388-28-459	AMD	78-05-088
365-55-080	NEW	78-04-013	388-15-360	AMD	78-04-004	388-28-460	AMD-E	78-03-054
372-20-005	REP-P	78-06-124	388-15-570	AMD-P	78-05-094	388-28-460	AMD-P	78-03-055
372-20-010	REP-P	78-06-124	388-17-010	AMD-P	78-03-119	388-28-460	AMD-P	78-05-021
372-20-020	REP-P	78-06-124	388-17-010	AMD-E	78-04-008	388-28-460	AMD	78-05-088
372-20-025	REP-P	78-06-124	388-17-010	AMD	78-05-077	388-28-461	AMD-E	78-03-054
372-20-030	REP-P	78-06-124	388-17-020	AMD-P	78-03-119	388-28-461	AMD-P	78-03-055
372-20-040	REP-P	78-06-124	388-17-020	AMD-E	78-04-008	388-28-461	AMD-P	78-05-021
372-20-050	REP-P	78-06-124	388-17-020	AMD	78-05-077	388-28-461	AMD	78-05-088
372-20-055	REP-P	78-06-124	388-17-030	REP-P	78-03-119	388-28-462	AMD-E	78-03-054
372-20-060	REP-P	78-06-124	388-17-030	REP-E	78-04-008	388-28-462	AMD-P	78-03-055
372-20-070	REP-P	78-06-124	388-17-030	REP	78-05-077	388-28-462	AMD-P	78-05-021
372-20-080	REP-P	78-06-124	388-17-040	REP-P	78-03-119	388-28-462	AMD	78-05-088
372-20-090	REP-P	78-06-124	388-17-040	REP-E	78-04-008	388-28-464	AMD-P	78-03-055
372-20-100	REP-P	78-06-124	388-17-040	REP	78-05-077	388-28-464	AMD-E	78-03-054
372-20-110	REP-P	78-06-124	388-17-050	REP-P	78-03-119	388-28-464	AMD-P	78-05-021
388-11-015	AMD-P	78-04-101	388-17-050	REP-E	78-04-008	388-28-464	AMD	78-05-088
388-11-015	AMD	78-07-015	388-17-050	REP	78-05-077	388-28-464	AMD	78-06-023
388-11-030	AMD-P	78-04-101	388-17-100	AMD-P	78-03-119	388-28-474	AMD-P	78-04-048

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388-28-500	AMD-P	78-07-022	388-54-470	AMD	78-06-086	388-70-270	REP-P	78-05-094
388-28-515	AMD-P	78-07-022	388-54-480	AMD	78-02-050	388-70-275	REP-P	78-05-094
388-28-535	AMD-P	78-03-010	388-54-480	AMD-E	78-04-007	388-70-280	REP-P	78-05-094
388-28-535	AMD-E	78-03-017	388-54-485	AMD-P	78-04-020	388-70-320	REP-P	78-05-094
388-28-535	AMD	78-05-019	388-54-485	AMD-E	78-04-021	388-70-700	NEW-P	78-05-094
388-28-575	AMD-P	78-03-010	388-54-485	AMD	78-06-086	388-73	NEW-P	78-07-047
388-28-575	AMD-E	78-03-017	388-54-505	AMD-P	78-04-020	388-73-010	NEW-P	78-05-089
388-28-575	AMD	78-05-019	388-54-505	AMD-E	78-04-021	388-73-012	NEW-P	78-05-089
388-28-575	AMD-E	78-07-003	388-54-505	AMD	78-06-086	388-73-014	NEW-P	78-05-089
388-28-575	AMD-P	78-07-025	388-54-535	AMD-P	78-03-118	388-73-016	NEW-P	78-05-089
388-28-600	AMD-P	78-07-022	388-54-535	AMD-E	78-04-007	388-73-018	NEW-P	78-05-089
388-29-100	AMD-P	78-06-046	388-54-535	AMD	78-05-064	388-73-019	NEW-P	78-05-089
388-29-100	AMD-E	78-07-062	388-54-540	AMD-P	78-04-020	388-73-020	NEW-P	78-05-089
388-29-110	AMD-P	78-06-046	388-54-540	AMD-E	78-04-021	388-73-022	NEW-P	78-05-089
388-29-110	AMD-E	78-07-062	388-54-540	AMD	78-06-086	388-73-024	NEW-P	78-05-089
388-29-130	AMD-P	78-06-046	388-54-595	AMD-P	78-03-118	388-73-026	NEW-P	78-05-089
388-29-130	AMD-E	78-07-062	388-54-595	AMD-E	78-04-007	388-73-028	NEW-P	78-05-089
388-29-135	AMD-P	78-06-046	388-54-595	AMD	78-05-064	388-73-030	NEW-P	78-05-089
388-29-135	AMD-E	78-07-062	388-55-010	AMD-P	78-02-072	388-73-032	NEW-P	78-05-089
388-29-140	AMD-P	78-02-069	388-55-010	AMD-E	78-02-073	388-73-034	NEW-P	78-05-089
388-29-140	AMD	78-04-035	388-55-010	AMD	78-04-037	388-73-036	NEW-P	78-05-089
388-29-140	REP-P	78-04-094	388-63	REP-P	78-07-047	388-73-038	NEW-P	78-05-089
388-29-140	REP	78-06-074	388-63-005	REP-P	78-05-089	388-73-040	NEW-P	78-05-089
388-29-155	NEW-P	78-04-020	388-63-010	REP-P	78-05-089	388-73-042	NEW-P	78-05-089
388-29-155	NEW-E	78-04-021	388-63-015	REP-P	78-05-089	388-73-044	NEW-P	78-05-089
388-29-155	NEW	78-06-086	388-63-020	REP-P	78-05-089	388-73-046	NEW-P	78-05-089
388-29-155	AMD-P	78-07-055	388-63-025	REP-P	78-05-089	388-73-048	NEW-P	78-05-089
388-29-155	AMD-E	78-07-061	388-63-030	REP-P	78-05-089	388-73-050	NEW-P	78-05-089
388-29-160	AMD-P	78-06-046	388-63-035	REP-P	78-05-089	388-73-052	NEW-P	78-05-089
388-29-160	AMD-E	78-07-062	388-63-040	REP-P	78-05-089	388-73-054	NEW-P	78-05-089
388-29-170	AMD-P	78-06-046	388-63-045	REP-P	78-05-089	388-73-056	NEW-P	78-05-089
388-29-170	AMD-E	78-07-062	388-63-050	REP-P	78-05-089	388-73-057	NEW-P	78-05-089
388-29-200	AMD-P	78-06-046	388-63-055	REP-P	78-05-089	388-73-058	NEW-P	78-05-089
388-29-200	AMD-E	78-07-062	388-63-060	REP-P	78-05-089	388-73-060	NEW-P	78-05-089
388-29-220	AMD-P	78-06-046	388-63-065	REP-P	78-05-089	388-73-062	NEW-P	78-05-089
388-29-220	AMD-E	78-07-062	388-63-070	REP-P	78-05-089	388-73-064	NEW-P	78-05-089
388-29-260	AMD-P	78-06-046	388-63-110	REP-P	78-05-089	388-73-066	NEW-P	78-05-089
388-29-260	AMD-E	78-07-062	388-63-120	REP-P	78-05-089	388-73-068	NEW-P	78-05-089
388-29-280	AMD-P	78-06-046	388-63-125	REP-P	78-05-089	388-73-070	NEW-P	78-05-089
388-29-280	AMD-E	78-07-062	388-70	AMD-P	78-07-078	388-73-072	NEW-P	78-05-089
388-33-015	AMD-P	78-07-022	388-70-010	AMD-P	78-05-094	388-73-074	NEW-P	78-05-089
388-33-120	AMD-P	78-07-022	388-70-012	AMD-P	78-05-094	388-73-076	NEW-P	78-05-089
388-33-376	NEW-P	78-05-022	388-70-013	AMD-P	78-05-094	388-73-078	NEW-P	78-05-089
388-33-377	AMD-P	78-05-022	388-70-014	REP-P	78-05-094	388-73-080	NEW-P	78-05-089
388-33-378	REP-P	78-05-022	388-70-016	REP-P	78-05-094	388-73-100	NEW-P	78-05-089
388-33-380	REP-P	78-05-022	388-70-017	REP-P	78-05-094	388-73-102	NEW-P	78-05-089
388-33-535	AMD-P	78-07-022	388-70-019	REP-P	78-05-094	388-73-104	NEW-P	78-05-089
388-33-545	AMD-P	78-07-022	388-70-022	AMD-P	78-05-094	388-73-106	NEW-P	78-05-089
388-33-550	AMD-P	78-07-022	388-70-024	AMD-P	78-05-094	388-73-108	NEW-P	78-05-089
388-33-576	AMD-P	78-07-046	388-70-044	AMD-P	78-05-094	388-73-110	NEW-P	78-05-089
388-33-595	AMD-E	78-07-069	388-70-047	AMD-P	78-05-094	388-73-112	NEW-P	78-05-089
388-33-595	AMD-P	78-07-071	388-70-048	AMD-P	78-05-094	388-73-114	NEW-P	78-05-089
388-34-095	AMD-P	78-07-022	388-70-049	REP-P	78-05-094	388-73-116	NEW-P	78-05-089
388-34-125	AMD-P	78-07-022	388-70-051	AMD-P	78-05-094	388-73-118	NEW-P	78-05-089
388-34-150	AMD-P	78-07-022	388-70-056	AMD-P	78-05-094	388-73-120	NEW-P	78-05-089
388-34-160	AMD-P	78-07-022	388-70-066	AMD-P	78-05-094	388-73-122	NEW-P	78-05-089
388-37-020	AMD-P	78-07-022	388-70-110	REP-P	78-05-094	388-73-124	NEW-P	78-05-089
388-37-030	AMD-P	78-03-120	388-70-111	REP-P	78-05-094	388-73-126	NEW-P	78-05-089
388-37-030	AMD-E	78-04-006	388-70-112	REP-P	78-05-094	388-73-128	NEW-P	78-05-089
388-37-030	AMD	78-06-021	388-70-114	REP-P	78-05-094	388-73-130	NEW-P	78-05-089
388-37-220	AMD-P	78-07-022	388-70-116	REP-P	78-05-094	388-73-132	NEW-P	78-05-089
388-37-230	AMD-P	78-03-121	388-70-118	REP-P	78-05-094	388-73-134	NEW-P	78-05-089
388-37-230	AMD-E	78-04-005	388-70-160	AMD-P	78-05-094	388-73-136	NEW-P	78-05-089
388-37-230	AMD	78-06-022	388-70-201	REP-P	78-05-094	388-73-138	NEW-P	78-05-089
388-37-240	AMD-P	78-07-022	388-70-211	REP-P	78-05-094	388-73-140	NEW-P	78-05-089
388-42-070	AMD-P	78-07-022	388-70-221	REP-P	78-05-094	388-73-142	NEW-P	78-05-089
388-42-090	AMD-P	78-07-022	388-70-230	REP-P	78-05-094	388-73-144	NEW-P	78-05-089
388-44-127	AMD-P	78-04-095	388-70-230	AMD-P	78-07-022	388-73-146	NEW-P	78-05-089
388-44-127	AMD-E	78-04-096	388-70-235	REP-P	78-05-094	388-73-200	NEW-P	78-05-089
388-44-127	AMD	78-06-082	388-70-240	REP-P	78-05-094	388-73-202	NEW-P	78-05-089
388-48-020	AMD-P	78-06-037	388-70-245	REP-P	78-05-094	388-73-204	NEW-P	78-05-089
388-48-020	AMD-E	78-06-038	388-70-250	REP-P	78-05-094	388-73-206	NEW-P	78-05-089
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388-75-624	REP-P	78-05-089	388-86-050	AMD-P	78-03-007	388-96-222	AMD	78-06-080
388-75-627	REP-P	78-05-089	388-86-050	AMD	78-06-087	388-96-501	AMD-E	78-04-058
388-75-630	REP-P	78-05-089	388-86-070	REP	78-02-024	388-96-501	AMD-P	78-04-097
388-75-633	REP-P	78-05-089	388-86-090	AMD	78-02-024	388-96-501	AMD	78-06-080
388-75-636	REP-P	78-05-089	388-86-095	AMD	78-02-024	388-96-505	AMD-E	78-04-058
388-75-639	REP-P	78-05-089	388-86-098	AMD	78-02-024	388-96-505	AMD-P	78-04-097
388-75-642	REP-P	78-05-089	388-86-100	AMD	78-02-024	388-96-505	AMD	78-06-080
388-75-645	REP-P	78-05-089	388-86-112	AMD	78-02-024	388-96-507	AMD-E	78-04-058
388-75-648	REP-P	78-05-089	388-86-120	AMD	78-02-024	388-96-507	AMD-P	78-04-097
388-75-651	REP-P	78-05-089	388-87-012	AMD-P	78-03-007	388-96-507	AMD	78-06-080
388-75-654	REP-P	78-05-089	388-87-012	AMD	78-06-087	388-96-533	AMD-P	78-04-097
388-75-657	REP-P	78-05-089	388-87-013	AMD	78-02-024	388-96-533	AMD	78-06-080
388-75-660	REP-P	78-05-089	388-87-015	AMD	78-02-024	388-96-539	AMD-P	78-04-097
388-75-663	REP-P	78-05-089	388-87-025	AMD	78-02-024	388-96-539	AMD	78-06-080
388-75-666	REP-P	78-05-089	388-87-025	AMD-P	78-03-007	388-96-571	AMD-P	78-04-097
388-75-669	REP-P	78-05-089	388-87-025	AMD	78-06-087	388-96-571	AMD	78-06-080
388-75-672	REP-P	78-05-089	388-87-027	AMD	78-02-024	388-96-571	AMD-E	78-04-058
388-75-675	REP-P	78-05-089	388-87-027	AMD-P	78-03-007	388-96-585	AMD-P	78-04-097
388-75-678	REP-P	78-05-089	388-87-027	AMD	78-06-087	388-96-585	AMD	78-06-080
388-75-681	REP-P	78-05-089	388-87-070	AMD	78-02-024	388-96-701	NEW	78-02-013
388-75-703	REP-P	78-05-089	388-87-080	AMD	78-02-024	388-96-704	NEW	78-02-013
388-75-706	REP-P	78-05-089	388-87-090	AMD	78-02-024	388-96-704	AMD-E	78-04-058
388-75-709	REP-P	78-05-089	388-87-095	AMD	78-02-024	388-96-704	AMD-P	78-04-097
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388-75-715	REP-P	78-05-089	388-88-001	AMD-P	78-04-097	388-96-707	NEW	78-02-013
388-75-718	REP-P	78-05-089	388-88-001	AMD	78-06-080	388-96-707	AMD-E	78-04-058
388-75-721	REP-P	78-05-089	388-88-007	NEW-E	78-04-058	388-96-707	AMD-P	78-04-097
388-75-724	REP-P	78-05-089	388-88-007	NEW-P	78-04-097	388-96-707	AMD	78-06-080
388-75-727	REP-P	78-05-089	388-88-007	NEW	78-06-080	388-96-710	NEW	78-02-013
388-75-730	REP-P	78-05-089	388-88-051	NEW-E	78-04-058	388-96-710	NEW	78-02-013
388-75-733	REP-P	78-05-089	388-88-051	NEW-P	78-04-097	388-96-716	NEW	78-02-013
388-75-736	REP-P	78-05-089	388-88-051	NEW	78-06-080	388-96-719	NEW	78-02-013
388-75-739	REP-P	78-05-089	388-88-082	NEW-E	78-04-058	388-96-719	AMD-E	78-04-058
388-75-742	REP-P	78-05-089	388-88-082	NEW-P	78-04-097	388-96-719	AMD-P	78-04-097
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388-75-748	REP-P	78-05-089	388-88-086	NEW-P	78-04-097	388-96-722	NEW	78-02-013
388-75-751	REP-P	78-05-089	388-88-086	NEW	78-06-080	388-96-722	AMD-E	78-04-058
388-75-754	REP-P	78-05-089	388-88-088	NEW	78-06-080	388-96-722	AMD-P	78-04-097
388-75-757	REP-P	78-05-089	388-92-015	AMD	78-02-024	388-96-722	AMD	78-06-080
388-75-760	REP-P	78-05-089	388-92-070	AMD	78-02-024	388-96-727	NEW	78-02-013
388-75-763	REP-P	78-05-089	388-93-040	AMD	78-02-024	388-96-735	NEW	78-02-013
388-75-766	REP-P	78-05-089	388-95-005	AMD-P	78-06-036	388-96-743	NEW	78-02-013
388-75-769	REP-P	78-05-089	388-95-010	AMD-P	78-06-036	388-96-760	NEW	78-02-013
388-75-772	REP-P	78-05-089	388-95-025	AMD-P	78-06-036	388-96-760	AMD-E	78-04-058
388-75-775	REP-P	78-05-089	388-95-030	AMD-P	78-06-036	388-96-760	AMD-P	78-04-097
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388-75-781	REP-P	78-05-089	388-95-055	AMD-P	78-06-036	388-96-763	NEW	78-02-013
388-75-784	REP-P	78-05-089	388-95-060	AMD-P	78-06-036	388-96-763	AMD-E	78-04-058
388-75-787	REP-P	78-05-089	388-95-065	AMD-P	78-06-036	388-96-763	AMD-P	78-04-097
388-75-790	REP-P	78-05-089	388-95-070	AMD-P	78-06-036	388-96-763	AMD	78-06-080
388-75-793	REP-P	78-05-089	388-95-075	AMD-P	78-06-036	388-96-766	NEW	78-02-013
388-80-005	AMD-P	78-03-007	388-95-210	AMD-P	78-06-036	388-96-769	NEW	78-02-013
388-80-005	AMD-E	78-04-098	388-95-225	AMD-P	78-06-036	388-96-772	NEW	78-02-013
388-80-005	AMD-P	78-04-099	388-95-250	REP-P	78-06-036	388-96-775	NEW	78-02-013
388-80-005	AMD	78-06-081	388-95-255	AMD-P	78-06-036	388-96-778	NEW	78-02-013
388-81-050	AMD	78-02-024	388-95-260	AMD-P	78-06-036	390-04-010	REP-P	78-07-039
388-82-005	AMD	78-02-024	388-95-265	AMD-P	78-06-036	390-04-020	REP-P	78-07-039
388-82-015	AMD	78-02-024	388-95-270	AMD-P	78-06-036	390-04-030	REP-P	78-07-039
388-82-040	REP	78-02-024	388-95-275	AMD-P	78-06-036	390-04-031	REP-P	78-07-039
388-83-027	REP	78-02-024	388-95-280	AMD-P	78-06-036	390-04-035	REP-P	78-07-039
388-83-028	NEW	78-02-024	388-96-010	AMD-E	78-04-058	390-04-036	REP-P	78-07-039
388-86-005	AMD	78-02-024	388-96-010	AMD-P	78-04-097	390-04-037	REP-P	78-07-039
388-86-005	AMD-E	78-04-098	388-96-010	AMD	78-06-080	390-04-038	REP-P	78-07-039
388-86-005	AMD-P	78-04-099	388-96-020	AMD-E	78-04-058	390-04-040	REP-P	78-07-039
388-86-005	AMD	78-06-081	388-96-020	AMD-P	78-04-097	390-04-050	REP-P	78-07-039
388-86-008	NEW	78-02-024	388-96-020	AMD	78-06-080	390-04-060	REP-P	78-07-039
388-86-012	AMD	78-02-024	388-96-023	AMD-E	78-04-058	390-04-070	REP-P	78-07-039
388-86-020	AMD	78-02-024	388-96-023	AMD-P	78-04-097	390-04-080	REP-P	78-07-039
388-86-023	AMD	78-02-024	388-96-023	AMD	78-06-080	390-04-090	REP-P	78-07-039
388-86-030	AMD-P	78-03-007	388-96-032	AMD-E	78-04-058	390-04-100	REP-P	78-07-039
388-86-030	AMD	78-06-087	388-96-032	AMD-P	78-04-097	390-04-110	REP-P	78-07-039
388-86-040	AMD	78-02-024	388-96-032	AMD	78-06-080	390-04-140	REP-P	78-07-039
388-86-045	AMD	78-02-024	388-96-222	AMD-E	78-04-058	390-04-150	REP-P	78-07-039

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
390-04-160	REP-P	78-07-039	391-70-100	NEW-E	78-06-007	392-171-180	REP-P	78-07-093
390-04-170	REP-P	78-07-039	391-70-110	NEW-E	78-03-011	392-171-185	REP-P	78-07-093
390-04-180	REP-P	78-07-039	391-70-110	NEW-E	78-06-007	392-171-190	REP-P	78-07-093
390-04-190	REP-P	78-07-039	391-70-120	NEW-E	78-03-011	392-171-195	REP-P	78-07-093
390-04-200	REP-P	78-07-039	391-70-120	NEW-E	78-06-007	392-171-200	REP-P	78-07-093
390-04-210	REP-P	78-07-039	391-70-130	NEW-E	78-06-007	392-171-203	REP-P	78-07-093
390-04-215	REP-P	78-07-039	391-70-140	NEW-E	78-03-011	392-171-205	REP-P	78-07-093
390-04-220	REP-P	78-07-039	391-70-140	NEW-E	78-06-007	392-171-210	REP-P	78-07-093
390-04-225	REP-P	78-07-039	391-70-150	NEW-E	78-06-007	392-171-220	REP-P	78-07-093
390-04-230	REP-P	78-07-039	391-70-160	NEW-E	78-06-007	392-171-225	REP-P	78-07-093
390-04-240	REP-P	78-07-039	391-70-170	NEW-E	78-03-011	392-171-235	REP-P	78-07-093
390-04-250	REP-P	78-07-039	391-70-170	NEW-E	78-06-007	392-171-240	REP-P	78-07-093
390-04-260	REP-P	78-07-039	391-70-180	NEW-E	78-03-011	392-171-245	REP-P	78-07-093
390-04-270	REP-P	78-07-039	391-70-190	NEW-E	78-06-007	392-171-250	REP-P	78-07-093
390-04-280	REP-P	78-07-039	391-70-200	NEW-E	78-06-007	392-171-255	REP-P	78-07-093
390-04-290	REP-P	78-07-039	391-70-210	NEW-E	78-06-007	392-171-260	REP-P	78-07-093
390-16-220	AMD-P	78-03-075	391-70-220	NEW-E	78-03-011	392-171-265	REP-P	78-07-093
390-16-220	AMD-P	78-05-079	391-70-220	NEW-E	78-06-007	392-171-270	REP-P	78-07-093
390-16-220	AMD	78-07-037	391-70-230	NEW-E	78-06-007	392-171-275	REP-P	78-07-093
390-20-010	REP	78-02-063	391-70-240	NEW-E	78-06-007	392-171-280	REP-P	78-07-093
390-20-0101	NEW	78-02-063	391-70-245	NEW-E	78-03-011	392-171-285	REP-P	78-07-093
390-20-028	NEW-P	78-06-048	391-70-250	NEW-E	78-03-011	392-171-300	NEW-P	78-07-093
390-20-028	NEW-E	78-06-049	391-70-250	NEW-E	78-06-007	392-171-305	NEW-P	78-07-093
390-20-051	NEW-P	78-06-048	391-70-260	NEW-E	78-03-011	392-171-310	NEW-P	78-07-093
390-20-051	NEW-E	78-06-049	391-70-260	NEW-E	78-06-007	392-171-315	NEW-P	78-07-093
390-20-053	NEW-P	78-06-048	391-70-270	NEW-E	78-06-007	392-171-320	NEW-P	78-07-093
390-20-053	NEW-E	78-06-049	391-70-280	NEW-E	78-03-011	392-171-325	NEW-P	78-07-093
390-20-055	NEW-P	78-06-048	391-70-280	NEW-E	78-06-007	392-171-330	NEW-P	78-07-093
390-20-055	NEW-E	78-06-049	391-70-290	NEW-E	78-06-007	392-171-335	NEW-P	78-07-093
390-20-120	NEW-P	78-06-048	391-70-300	NEW-E	78-03-011	392-171-340	NEW-P	78-07-093
390-20-120	NEW-E	78-06-049	391-70-300	NEW-E	78-06-007	392-171-345	NEW-P	78-07-093
390-20-140	NEW-P	78-03-116	392-109-006	NEW-P	78-06-115	392-171-350	NEW-P	78-07-093
390-20-140	NEW-P	78-05-079	392-109-010	AMD-P	78-06-115	392-171-355	NEW-P	78-07-093
390-20-140	NEW	78-07-038	392-109-026	NEW-P	78-06-115	392-171-360	NEW-P	78-07-093
390-20-143	NEW-P	78-03-116	392-123-165	NEW-P	78-06-053	392-171-365	NEW-P	78-07-093
390-20-143	NEW-P	78-05-079	392-125-080	NEW-P	78-06-052	392-171-370	NEW-P	78-07-093
390-20-143	NEW	78-07-038	392-137-020	AMD-P	78-06-051	392-171-375	NEW-P	78-07-093
390-20-145	NEW-P	78-03-116	392-164-015	AMD-P	78-06-054	392-171-380	NEW-P	78-07-093
390-20-145	NEW-P	78-05-079	392-171-005	REP-P	78-07-093	392-171-385	NEW-P	78-07-093
390-20-145	NEW	78-07-038	392-171-010	REP-P	78-07-093	392-171-390	NEW-P	78-07-093
391-21-137	NEW-P	78-05-101	392-171-015	REP-P	78-07-093	392-171-395	NEW-P	78-07-093
391-21-137	NEW	78-07-014	392-171-020	REP-P	78-07-093	392-171-400	NEW-P	78-07-093
391-21-321	NEW-P	78-05-101	392-171-025	REP-P	78-07-093	392-171-405	NEW-P	78-07-093
391-21-321	NEW	78-07-014	392-171-030	REP-P	78-07-093	392-171-410	NEW-P	78-07-093
391-21-535	NEW-P	78-05-101	392-171-035	REP-P	78-07-093	392-171-415	NEW-P	78-07-093
391-21-535	NEW	78-07-014	392-171-040	REP-P	78-07-093	392-171-420	NEW-P	78-07-093
391-30-137	NEW-P	78-05-102	392-171-045	REP-P	78-07-093	392-171-425	NEW-P	78-07-093
391-30-137	NEW	78-07-013	392-171-050	REP-P	78-07-093	392-171-430	NEW-P	78-07-093
391-30-321	NEW-P	78-05-102	392-171-055	REP-P	78-07-093	392-171-435	NEW-P	78-07-093
391-30-321	NEW	78-07-013	392-171-060	REP-P	78-07-093	392-171-440	NEW-P	78-07-093
391-30-535	NEW-P	78-05-102	392-171-065	REP-P	78-07-093	392-171-445	NEW-P	78-07-093
391-30-535	NEW	78-07-013	392-171-070	REP-P	78-07-093	392-171-450	NEW-P	78-07-093
391-50-137	NEW-P	78-05-100	392-171-075	REP-P	78-07-093	392-171-455	NEW-P	78-07-093
391-50-137	NEW	78-07-012	392-171-080	REP-P	78-07-093	392-171-460	NEW-P	78-07-093
391-50-321	NEW-P	78-05-100	392-171-090	REP-P	78-07-093	392-171-465	NEW-P	78-07-093
391-50-321	NEW	78-07-012	392-171-095	REP-P	78-07-093	392-171-470	NEW-P	78-07-093
391-70-010	NEW-E	78-03-011	392-171-097	REP-P	78-07-093	392-171-475	NEW-P	78-07-093
391-70-010	NEW-E	78-06-007	392-171-100	REP-P	78-07-093	392-171-480	NEW-P	78-07-093
391-70-020	NEW-E	78-03-011	392-171-105	REP-P	78-07-093	392-171-485	NEW-P	78-07-093
391-70-020	NEW-E	78-06-007	392-171-110	REP-P	78-07-093	392-171-490	NEW-P	78-07-093
391-70-030	NEW-E	78-03-011	392-171-113	REP-P	78-07-093	392-171-495	NEW-P	78-07-093
391-70-030	NEW-E	78-06-007	392-171-115	REP-P	78-07-093	392-171-500	NEW-P	78-07-093
391-70-040	NEW-E	78-03-011	392-171-125	REP-P	78-07-093	392-171-505	NEW-P	78-07-093
391-70-040	NEW-E	78-06-007	392-171-130	REP-P	78-07-093	392-171-510	NEW-P	78-07-093
391-70-050	NEW-E	78-03-011	392-171-135	REP-P	78-07-093	392-171-515	NEW-P	78-07-093
391-70-050	NEW-E	78-06-007	392-171-137	REP-P	78-07-093	392-171-520	NEW-P	78-07-093
391-70-060	NEW-E	78-06-007	392-171-140	REP-P	78-07-093	392-171-525	NEW-P	78-07-093
391-70-070	NEW-E	78-03-011	392-171-145	REP-P	78-07-093	392-171-530	NEW-P	78-07-093
391-70-070	NEW-E	78-06-007	392-171-150	REP-P	78-07-093	392-171-535	NEW-P	78-07-093
391-70-080	NEW-E	78-03-011	392-171-155	REP-P	78-07-093	392-171-540	NEW-P	78-07-093
391-70-080	NEW-E	78-06-007	392-171-160	REP-P	78-07-093	392-171-545	NEW-P	78-07-093
391-70-090	NEW-E	78-03-011	392-171-165	REP-P	78-07-093	392-171-550	NEW-P	78-07-093
391-70-090	NEW-E	78-06-007	392-171-170	REP-P	78-07-093	392-171-555	NEW-P	78-07-093
391-70-105	NEW-E	78-03-011	392-171-175	REP-P	78-07-093	392-171-560	NEW-P	78-07-093

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
458-20-136	AMD-P	78-05-072	458-40-18620	NEW	78-07-065	462-08-010	REP	78-03-023
458-20-136	AMD-E	78-05-073	458-40-18620	NEW-E	78-07-066	462-08-020	REP	78-03-023
458-20-136	AMD	78-07-045	458-40-18621	NEW-P	78-05-087	462-08-030	REP	78-03-023
458-20-154	AMD-P	78-04-104	458-40-18621	NEW	78-07-065	462-08-040	REP	78-03-023
458-20-154	AMD	78-06-083	458-40-18621	NEW-E	78-07-066	462-08-050	REP	78-03-023
458-20-157	AMD-P	78-05-072	458-40-18622	NEW-P	78-05-087	462-08-060	REP	78-03-023
458-20-157	AMD-E	78-05-073	458-40-18622	NEW	78-07-065	462-08-070	REP	78-03-023
458-20-157	AMD	78-07-045	458-40-18622	NEW-E	78-07-066	462-08-080	REP	78-03-023
458-20-161	AMD-P	78-05-072	458-40-18623	NEW-P	78-05-087	462-08-090	REP	78-03-023
458-20-161	AMD-E	78-05-073	458-40-18623	NEW	78-07-065	462-08-100	REP	78-03-023
458-20-161	AMD	78-07-045	458-40-18623	NEW-E	78-07-066	462-08-110	REP	78-03-023
458-20-166	AMD-P	78-05-072	458-40-18624	NEW-P	78-05-087	462-08-120	REP	78-03-023
458-20-166	AMD-E	78-05-073	458-40-18624	NEW	78-07-065	462-08-130	REP	78-03-023
458-20-166	AMD	78-07-045	458-40-18624	NEW-E	78-07-066	462-08-140	REP	78-03-023
458-20-167	AMD-P	78-05-072	458-40-19000	AMD-P	78-05-087	462-08-230	REP	78-03-023
458-20-167	AMD-E	78-05-073	458-40-19000	AMD	78-07-065	462-08-240	REP	78-03-023
458-20-167	AMD	78-07-045	458-40-19000	AMD-E	78-07-066	462-08-250	REP	78-03-023
458-20-168	AMD-P	78-05-072	458-40-19001	AMD-P	78-05-087	462-08-260	REP	78-03-023
458-20-168	AMD-E	78-05-073	458-40-19001	AMD	78-07-065	462-08-270	REP	78-03-023
458-20-168	AMD	78-07-045	458-40-19001	AMD-E	78-07-066	462-08-280	REP	78-03-023
458-20-169	AMD-P	78-05-072	458-40-19002	AMD-P	78-05-087	462-08-290	REP	78-03-023
458-20-169	AMD-E	78-05-073	458-40-19002	AMD	78-07-065	462-08-300	REP	78-03-023
458-20-169	AMD	78-07-045	458-40-19002	AMD-E	78-07-066	462-08-310	REP	78-03-023
458-20-176	AMD-P	78-05-072	458-40-19003	AMD-P	78-05-087	462-08-320	REP	78-03-023
458-20-176	AMD-E	78-05-073	458-40-19003	AMD	78-07-065	462-08-330	REP	78-03-023
458-20-176	AMD	78-07-045	458-40-19003	AMD-E	78-07-066	462-08-340	REP	78-03-023
458-20-183	AMD-P	78-05-072	458-40-19004	AMD-P	78-05-087	462-08-350	REP	78-03-023
458-20-183	AMD-E	78-05-073	458-40-19004	AMD	78-07-065	462-08-360	REP	78-03-023
458-20-183	AMD	78-07-045	458-40-19004	AMD-E	78-07-066	462-08-370	REP	78-03-023
458-20-187	AMD-P	78-05-072	458-52-010	NEW	78-02-052	462-08-380	REP	78-03-023
458-20-187	AMD-E	78-05-073	458-52-020	NEW	78-02-052	462-08-390	REP	78-03-023
458-20-187	AMD	78-07-045	458-52-030	NEW	78-02-052	462-08-400	REP	78-03-023
458-20-18801	AMD-P	78-05-072	458-52-040	NEW	78-02-052	462-08-410	REP	78-03-023
458-20-18801	AMD-E	78-05-073	458-52-050	NEW	78-02-052	462-08-420	REP	78-03-023
458-20-18801	AMD	78-07-045	458-52-060	NEW	78-02-052	462-08-430	REP	78-03-023
458-20-210	AMD-P	78-05-072	458-52-070	NEW	78-02-052	462-08-440	REP	78-03-023
458-20-210	AMD-E	78-05-073	458-52-080	NEW	78-02-052	462-08-450	REP	78-03-023
458-20-210	AMD	78-07-045	458-52-090	NEW	78-02-052	462-08-460	REP	78-03-023
458-20-214	AMD-P	78-05-072	458-52-100	NEW	78-02-052	462-08-470	REP	78-03-023
458-20-214	AMD-E	78-05-073	458-52-110	NEW	78-02-052	462-08-480	REP	78-03-023
458-20-214	AMD	78-07-045	458-52-120	NEW	78-02-052	462-08-490	REP	78-03-023
458-20-244	NEW-P	78-03-070	458-52-130	NEW	78-02-052	462-08-500	REP	78-03-023
458-20-244	NEW	78-05-041	458-52-140	NEW	78-02-052	462-08-510	REP	78-03-023
458-30-035	REP-E	78-05-049	458-52-150	NEW	78-02-052	462-08-520	REP	78-03-023
458-30-035	REP-P	78-05-050	458-276-010	NEW	78-02-064	462-08-530	REP	78-03-023
458-30-035	REP	78-07-027	458-276-020	NEW	78-02-064	462-08-540	REP	78-03-023
458-30-040	REP-E	78-05-049	458-276-030	NEW	78-02-064	462-08-550	REP	78-03-023
458-30-040	REP-P	78-05-050	458-276-040	NEW	78-02-064	462-08-560	REP	78-03-023
458-30-040	REP	78-07-027	458-276-050	NEW	78-02-064	462-08-570	REP	78-03-023
458-30-056	NEW-E	78-05-049	458-276-060	NEW	78-02-064	462-08-580	REP	78-03-023
458-30-056	NEW-P	78-05-050	458-276-070	NEW	78-02-064	462-08-590	REP	78-03-023
458-30-056	NEW	78-07-027	458-276-080	NEW	78-02-064	462-16-010	REP	78-03-023
458-30-057	NEW-E	78-05-049	458-276-090	NEW	78-02-064	462-16-020	REP	78-03-023
458-30-057	NEW-P	78-05-050	458-276-100	NEW	78-02-064	462-20-005	REP	78-03-023
458-30-057	NEW	78-07-027	458-276-110	NEW	78-02-064	462-20-010	REP	78-03-023
458-30-065	REP-E	78-05-049	458-276-120	NEW	78-02-064	462-20-015	REP	78-03-023
458-30-065	REP-P	78-05-050	458-276-130	NEW	78-02-064	462-20-020	REP	78-03-023
458-30-065	REP	78-07-027	458-276-140	NEW	78-02-064	462-20-025	REP	78-03-023
458-30-120	AMD-E	78-05-049	458-276-150	NEW	78-02-064	462-20-030	REP	78-03-023
458-30-120	AMD-P	78-05-050	462-04-010	REP	78-03-023	462-20-035	REP	78-03-023
458-30-120	AMD	78-07-027	462-05-001	REP	78-03-023	462-20-040	REP	78-03-023
458-30-135	AMD-E	78-05-049	462-05-002	REP	78-03-023	462-20-045	REP	78-03-023
458-30-135	AMD-P	78-05-050	462-05-003	REP	78-03-023	462-20-050	REP	78-03-023
458-30-135	AMD	78-07-027	462-05-004	REP	78-03-023	462-20-055	REP	78-03-023
458-30-145	AMD-E	78-05-049	462-05-005	REP	78-03-023	462-20-060	REP	78-03-023
458-30-145	AMD-P	78-05-050	462-05-006	REP	78-03-023	462-20-065	REP	78-03-023
458-30-145	AMD	78-07-027	462-05-007	REP	78-03-023	462-20-070	REP	78-03-023
458-30-146	NEW-E	78-05-049	462-05-008	REP	78-03-023	462-24-010	REP	78-03-023
458-30-146	NEW-P	78-05-050	462-05-009	REP	78-03-023	462-24-020	REP	78-03-023
458-30-146	NEW	78-07-027	462-05-010	REP	78-03-023	462-24-030	REP	78-03-023
458-40-18619	NEW-P	78-05-087	462-05-011	REP	78-03-023	462-24-040	REP	78-03-023
458-40-18619	NEW	78-07-065	462-05-012	REP	78-03-023	462-24-050	REP	78-03-023
458-40-18619	NEW-E	78-07-066	462-05-013	REP	78-03-023	462-28-005	REP	78-03-023
458-40-18620	NEW-P	78-05-087	462-05-App.A	REP	78-03-023	462-28-010	REP	78-03-023

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
462-28-015	REP	78-03-023	463-58-020	NEW	78-05-054	478-136-020	AMD	78-07-017
462-28-020	REP	78-03-023	463-58-030	NEW-P	78-03-069	478-160-125	AMD-P	78-05-013
462-28-025	REP	78-03-023	463-58-030	NEW	78-05-054	478-160-125	AMD-P	78-05-026
462-28-030	REP	78-03-023	463-58-040	NEW-P	78-03-069	478-160-125	AMD	78-07-018
462-28-035	REP	78-03-023	463-58-040	NEW	78-05-054	478-160-130	AMD-P	78-05-013
462-28-040	REP	78-03-023	463-58-050	NEW-P	78-03-069	478-160-130	AMD-P	78-05-026
462-28-045	REP	78-03-023	463-58-050	NEW-E	78-04-056	478-160-130	AMD	78-07-018
462-28-050	REP	78-03-023	463-58-050	NEW	78-05-054	478-160-135	REP-P	78-05-013
462-32-010	REP	78-03-023	463-58-060	NEW-P	78-03-069	478-160-135	REP-P	78-05-026
462-32-020	REP	78-03-023	463-58-060	NEW	78-05-054	478-160-135	REP	78-07-018
462-32-050	REP	78-03-023	463-58-070	NEW-P	78-03-069	478-160-140	AMD-P	78-05-013
462-32-060	REP	78-03-023	463-58-070	NEW	78-05-054	478-160-140	AMD-P	78-05-026
462-36-010	REP	78-03-023	463-58-080	NEW-P	78-03-069	478-160-140	AMD	78-07-018
462-36-020	REP	78-03-023	463-58-080	NEW	78-05-054	480-04-100	AMD	78-02-020
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