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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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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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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.

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)
80-01	Jan 16	Feb 5	Jan 2, 1980	Dec 19, 1979	Dec 5, 1979
80-02	Feb 20	Mar 11	Feb 6	Jan 23	Jan 9
80-03	Mar 19	Apr 8	Mar 5	Feb 20	Feb 6
80-04	Apr 16	May 6	Apr 2	Mar 19	Mar 5
80-05	May 21	Jun 10	May 7	Apr 23	Apr 9
80-06	Jun 18	Jul 8	Jun 4	May 21	May 7
80-07	Jul 16	Aug 5	Jul 2	Jun 18	Jun 4
80-08	Aug 20	Sep 9	Aug 6	Jul 23	Jul 9
80-09	Sep 17	Oct 7	Sep 3	Aug 20	Aug 6
80-10	Oct 15	Nov 4	Oct 1	Sep 17	Sep 3
80-11	Nov 19	Dec 9	Nov 5	Oct 22	Oct 8
80-12	Dec 17	Jan 6, 1981	Dec 3	Nov 19	Nov 5

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 80-01-065

ADOPTED RULES

COMMISSION FOR VOCATIONAL EDUCATION

[Order 79-2, Resolution 79-38-2—Filed December 21, 1979]

Be it resolved by the Washington State Commission for Vocational Education, acting at Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the registration of private vocational schools and dual purpose institutions by the Commission for Vocational Education under the provisions of the Washington Educational Services Registration Act of 1979.

This action is taken pursuant to Notice Nos. WSR 79-10-152 and 79-12-034 filed with the code reviser on 10/3/79 and 11/20/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 28B.05 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 December 13, 1979.

By Homer J. Halverson
Executive Director

CHAPTER 490-600 WAC

EDUCATIONAL SERVICES REGISTRATION

NEW SECTION

WAC 490-600-010 **AUTHORITY.** This rule is promulgated pursuant to the Educational Services Registration Act, chapter 188, Laws of 1979 first extraordinary session, 46th Legislative Session.

NEW SECTION

WAC 490-600-020 **PURPOSE.** The purpose of this rule is to implement an educational institution registration system for private vocational schools and certain dual-purpose institutions doing business in the state of Washington.

NEW SECTION

WAC 490-600-030 **DEFINITIONS.** The definitions set forth in this section are intended to supplement the definitions contained in the act and shall apply throughout this rule, unless the context clearly indicates to the contrary.

(1) "Commission" shall mean the commission for vocational education.

(2) "Charitable institution, organization or agency" shall mean any public or private not-for-profit entity organized substantially to provide or promote services to the general public without charge or for nominal payment and which substantially relies on contributions

from the general public, private organizations, the United States, or any state or political subdivision thereof for its operating expenses.

(3) "Institutional accreditation" shall mean certification by an accrediting agency or association that an educational institution as a whole is capable of achieving its educational objectives and of fulfilling its commitment to students.

(4) "Representatives of the public" means representatives who are laymen in the sense that they are not educators in, or members of the profession for which the students are being prepared, nor in any way are directly related to the institutions or programs being evaluated.

(5) "The act" means the Educational Services Registration Act (SSB 2434), chapter 188, Laws of 1979 first extraordinary session, 46th Legislative Session.

(6) "Commissioners" means the voting members of the commission of vocational education holding office pursuant to WAC 490-04A-020.

(7) "School director/manager" means the individual directly responsible for the educational management of a school; its courses, instruction, schedules, facilities, equipment, student services, records management, etc.

(8) "Registrant" means any private vocational school registered under the provision of the act.

(9) "Avocational or recreational" means instruction which clearly is not being offered for the purpose of providing the student with employable skills or with competencies that upon completion of the program, course or class would be customarily applied to gainful employment.

(10) "Supervisor" shall mean that staff person directly responsible for the staff, equipment, instruction, schedules, etc., of a vocational program area (D.E., T&I, B&OE, etc.) or department of the institution.

(11) "Learning period" means the time needed to learn technical competencies of the occupation about which they will instruct. Such competency can be obtained through the completion of an appropriate college or technical school training program, apprenticeship training to journeyman level, or intensive on-the-job training of commensurate duration.

(12) "Ownership" of a school means: (a) In the case of a school owned by an individual, that individual; (b) in the case of a school owned by a partnership, all full, silent, and limited partners; (c) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(13) "Gross tuition charges" shall mean for bonding purposes, all charges to the student which have been included in the enrollment agreement or contract, PROVIDED that the charges to defray costs to the institution for equipment and supplies actually used by the student for instructional purposes shall not be included.

(14) "Private Vocational School" shall mean an educational institution providing training, the objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized

professions or occupations which do not require a baccalaureate or higher degree.

(15) "Correspondence and/or home study school" shall mean that the instructional format of the school involves the sequential mailing or distribution of lessons to the student, who studies the material, completes a lesson examination, and returns the examination to the school. The school then grades the lesson/examination (and in some instances provides additional comments and instruction), and returns the graded lesson to the student along with the next set of instructional materials.

(16) "Accrediting agency or association" shall mean an educational agency or association of regional or national scope which has adopted criteria reflecting the qualities of sound educational practices, and also provides peer evaluations of institutions to determine whether or not said institutions operate at basic levels of quality.

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 490-600-045 EXEMPTIONS. Organizations and institutions claiming exemption under the provisions of section 4, chapter 188, Laws of 1979 1st. ex. sess. shall meet the following additional provisions:

(1) To be considered exempt under the Act, charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under Section 501(c)(3) of the Internal Revenue Code as charitable organizations.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of section 4(5), chapter 188, Laws of 1979 1st ex. sess.

(3) Educational institutions exempted as accredited shall, not later than January 31 of each calendar year, notify the Commission of its operating in the state of Washington and shall furnish the Commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provision of section 13, chapter 188, Laws of 1979 1st ex. sess. shall make a request in writing which shall include:

(a) Name, address and telephone number of the institution,

(b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the section or subsection of the Act or of this rule and for which the exemption is requested, together with substantiation that such exemption will not unnecessarily frustrate the purposes of the Act or of this rule.

(5) Institutions offering instruction on federal installations solely to personnel employed by the Federal government, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for exemption.

NEW SECTION

WAC 490-600-046 RECOGNITION OF ACCREDITING AGENCIES AND ASSOCIATIONS.

(1) Any accrediting agency or association desiring recognition for the purposes of section 4(5) of the Act must show:

(a) Functional aspects. Its functional aspects will be demonstrated by:

(i) Its scope of operations.

(A) The agency or association is national or regional in its scope of operations.

(B) The agency or association clearly defines in its charter, bylaws, or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(ii) Its organization.

(A) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner.

(B) The agency or association defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement.

(C) The agency's or association's fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process.

(D) The agency or association uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices: (aa) To participate on visiting evaluation teams; (bb) to engage in consultative services for the evaluation and accreditation process; and (cc) to serve on policy and decision-making bodies.

(E) The agency or association includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff.

(F) Accredits institutions that are classified as primarily post-secondary, properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with education validity.

(iii) Its procedures.

(A) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such an accredited status.

(B) The agency or association, if it has developed a preaccreditation status, provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation.

(C) The agency or association requires, as an integral part of its accrediting process, institutional or program self-analysis and an on-site review by a visiting team. (aa) The self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and

should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies. (bb) The agency or association provides written and consultative guidance to the institution or program and to the visiting team.

(b) Responsibility. Its responsibility will be demonstrated by the way in which—

(i) Its accreditation in the field in which it operates serves clearly identified needs, as follows:

(A) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions.

(B) The agency's or association's purposes and objectives are clearly defined in its charter, by-laws, or accrediting standards.

(ii) It is responsive to the public interest, in that:

(A) The agency or association includes representatives of the public in its policy and decision-making bodies, or as an advisory or consultative capacity that assures attention by the policy and decision-making bodies.

(B) The agency or association publishes or otherwise makes publicly available: (aa) The standards by which institutions are evaluated; (bb) the procedures utilized in arriving at decisions regarding the accreditation status of an institution; (cc) the current accreditation status of institutions and the date of the next currently scheduled review or reconsideration of accreditation; (dd) the names and affiliations of members of its policy and decision-making bodies, and the name(s) of its principal administrative personnel; (ee) a description of the ownership, control and type of legal organization of the agency or association.

(C) The agency or association provides advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption.

(D) The agency or association has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(iii) It assures due process in its accrediting procedures, as demonstrated in part by:

(A) Affording initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

(B) Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(C) Furnishing, as a result of an evaluation visit, a written report to the institution commenting on areas of strengths, areas needing improvement and, when appropriate, suggesting means of improvement and including

specific areas, if any, where the institution may not be in compliance with the agency's standards;

(D) Providing the chief executive officer of the institution with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(E) Evaluating, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(F) Providing for the withdrawal of accreditation only for cause, after review, or when the institution does not permit re-evaluation, after due notice;

(G) Providing the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action;

(H) Establishing and implementing published rules of procedure regarding appeals which will provide for: (aa) No change in the accreditation status of the institution pending disposition of an appeal; (bb) right to a hearing before the appeal body; (cc) supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(iv) It has demonstrated capability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(v) It maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(vi) It secures sufficient qualitative information regarding the institution which shows an ongoing program of evaluation of outputs consistent with the educational goals of the institution.

(vii) It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution.

(viii) It accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under condition that assure an impartial and objective judgment.

(ix) It reevaluates at reasonable intervals institutions which it has accredited.

(x) It requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(xi) Reliability. Its reliability is demonstrated by—

(A) Demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluate criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(B) Regular review of its standards, policies and procedures, in order that the evaluative process shall support constructive analysis, emphasize factors of critical

importance, and reflect the educational and training needs of the student;

(C) Not less than two years' experience as an accrediting agency or association;

(D) Reflection in the composition of its policy and decision-making bodies of the community of interests directly affected by the scope of its accreditation.

(xii) Autonomous. Its autonomy is demonstrated by evidence that—

(A) It performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution.

(B) It provides in its operating procedures against conflict of interest in the rendering of its judgments and decisions.

(2) Accrediting associations or agencies recognized by the U.S. Office of Education as granting full institutional accreditation are currently recognized as meeting the requirements of this rule: **PROVIDED**, That the commission may at any time require such further evidence and make such further investigation as in its judgment may be necessary to verify compliance with its standards.

(3) The commission shall maintain a list of those accrediting agencies/associations which are recognized by the agency as meeting the requirements of this section and the purposes of this chapter.

(4) The Commission retains the right to waive the requirements of this section if it finds such waiver will not frustrate the purposes of the Act and these regulations.

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 490-600-050 APPLICATION; ANNUAL RENEWAL AND AMENDMENTS. (1) At the time an educational institution initially registers it shall file with the commission a statement of organization, in a form determined by that agency, which shall include the following:

(a) Name and address of the institution and a statement of whether it is a "private vocational school" or "dual purpose institution".

(b) Name and address of the owners of the institution, if the institution is incorporated then the names and addresses of the directors, officers and of any shareholders holding more than a ten percent interest shall be listed, or members of the governing board in the case of non-profit institutions.

(c) Name and address of the chief administrative officer and all agents of the institution.

(d) A copy of each of the materials that the institution is required to supply prospective students prior to enrollment in accordance with section 6(4), chapter 188, Laws of 1979 1st ex. sess., including a list, with addresses, of all locations at which instruction is offered.

(e) A signed written statement from the chief administrative officer of the institution attesting to the truth and accuracy of the information provided in the statement of organization and any amendments thereto and

pledging that the institution will comply with all of the requirements of the act and the rules adopted thereunder.

(f) A surety bond, cash or other negotiable security as described in section 11, chapter 188, Laws of 1979 1st ex. sess.

(g) Copies of enrollment agreement and/or student contract used by the institution.

(h) Copies of current balance sheet and income statement (owner's equity analysis) covering preceding year's operations. Institutions just starting operations at the time of initial registration may substitute a proposed operating budget for the succeeding twelve months period in lieu of an income statement.

(i) The name of a bank or other financial institution that may be consulted as a financial reference for the institution.

(2) At the time of each annual renewal, the institution shall file amended statement of organization indicating any changes from the information previously submitted, as well as evidence of continued compliance with the bonding or security requirement of the act and the certification statement of the chief administrative officer.

(3) Additionally, any change of circumstances which would require amendment to the information reported in the statement of organization must be filed with the commission within thirty days of the change along with a recertification statement by the chief administrative officer.

NEW SECTION

WAC 490-600-060 EDUCATION STANDARDS. An educational institution required to register under the act shall be maintained and operated in compliance with the following standards:

(1) Instructional content:

(a) All programs must be of a vocational nature by developing competencies needed for employment in a recognized occupation as defined in the current edition of Dictionary of Occupational Titles, published by the United States Department of Labor, or occupations generally recognized by the industry in which the occupation is classified.

(b) Programs must adequately cover the subject, must be clearly presented, and must be in accordance with the best current knowledge and practice of trade, professional or manufacturing standards. Study must extend over a period of time sufficient to complete the work with standards appropriate for employment in the occupation for which trained or in a closely related occupation.

(c) The programs must be consistent in quality, content, and length with similar programs in public or private institutions in the state which are approved by the commission for vocational education.

(2) Instructional practices: Institutions shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes (a) well defined instructional objectives, (b) systematic planning, (c) selection and use of varied types of learning materials and experiences, (d) adaptation of organization and

instructional procedures to student needs, (e) use of varied evaluation instruments and procedures, and (f) good student and teacher morale.

(3) Facilities:

(A) The facilities shall be comparable with those found in accredited private schools located in the state of Washington having similar facilities and programs, and shall be in compliance with local and state laws governing physical facilities, particularly with respect to fire, health, safety and sanitation.

(b) The facility shall be adequate to meet the program objectives and provide enough classroom, laboratory, and shop space for the number of students to be trained.

(c) Home studios are acceptable only if unhampered for instructional purposes and conform to all other requirements for facilities and equipment as described herein.

(d) An adequate library must be provided which contains sufficient reference materials so that each student will be provided the essential related information required by the course content and objectives.

(4) Equipment and materials:

(a) Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall contribute directly towards achieving the educational objectives of the course, and shall be comparable in number and quality with those used by accredited private schools in the state of Washington with similar programs and educational objectives.

(b) The equipment must reflect the current equipage of the appropriate trade, business or profession, and be sufficient in quantity for the number of enrolled students.

(c) Equipment and materials must meet all of the requirements of local and state laws regarding fire, health, safety and sanitation.

(5) Qualifications of staff: The wide variations in the kind of institutions and courses make it impractical to describe here all of the qualifications of staff. However, the following criteria are provided to assist institutions in selecting qualified personnel:

(a) School directors and/or managers.

(i) School directors/managers should meet the requirements of a vocational supervisor and have had at least two years of successful experience in vocational program supervision.

(ii) School directors/managers should possess sufficient experience as will convince the school owners or officers of their competence to plan and administer the over-all vocational education program of the institution.

(b) Supervisory staff.

(i) Supervisory personnel should meet all of the education and work experience requirements of full-time instructors appropriate to their area of specialization, and should have

(ii) Professional training which includes a course in vocational program supervision or not less than two calendar years of successful experience in the capacity of a supervisor in business, industry or public agency.

(c) Instructional staff: Teachers should be qualified in these areas of competency:

(i) Technical competency includes the knowledge of those skills and processes required of employees in the occupations for which the training is designed.

(ii) Instructional methodology includes a knowledge of teaching techniques and media, testing, evaluation, human relations, etc., as applied to vocational programs and courses.

(iii) Classroom management includes the control of the teaching environment to achieve predetermined educational objectives within a prescribed time frame.

(iv) Practical work experience in the occupation for which the teacher is hired to teach or in closely related occupations. A minimum of two calendar years above the learning period is desirable; one of which has been within the past five years.

(v) Others who do not meet the work experience and educational requirements specified above may be employed either on a full-time or a part-time basis, provided that such individuals possess appropriate technical skills and knowledge in the specific program area and work under the direct supervision of, or in direct coordination with, an appropriately qualified professional.

(d) Ancillary personnel (counselors, assistants, etc.), should display a knowledge of and experience in the techniques and procedures applicable to the nature of their duties.

(6) Directors, supervisors, instructors and ancillary personnel should be expected to update their qualifications and keep current with the state-of-the-art in their areas of responsibility.

(7) Directors, supervisors, instructors and ancillary personnel shall, where required by law or regulation, hold an appropriate certificate or license.

(8) Number of teachers and student load:

(a) A vocational class shall be structured so that the maximum number of students per instructor shall be determined by the number of training stations, safety factors, and individual instruction requirements of the specific skills being developed. Maximum enrollments for courses shall be established according to this principle.

(b) The institution shall employ qualified staff including but not limited to instructors, counselors, and supervisory personnel, in such numbers as required to provide all services that are offered.

(9) Entrance requirements. The institution shall use a satisfactory method of selecting students according to recognized educational practices. Entrance requirements shall be based upon the ability of the applicant student to perform at a level commensurate with the physical and/or mental demands of the courses offered by the institution.

(10) Catalog or brochure: Each institution must provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. The catalog or brochure must be updated and published at least every two years, and must include at least the following information:

(a) Identifying data, such as volume number, date of publication, and years for which the catalog is effective.

(b) Name of the school and its governing body, administrative officials, and faculty;

(c) A calendar of the school showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates;

(d) School policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the programs;

(e) School policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(f) School policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption of unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the school, and conditions for recitance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the school and furnished to the student;

(g) School policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(h) Detailed schedule of fees, charges for tuition, books, service charges, rentals, deposits, and all other student charges necessary for the completion of the course of study.

(i) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom;

(j) A description of the available space, facilities and equipment, and the usual class size;

(k) The educational objective of each course, including the name, nature and level of occupations for which training is provided;

(l) For each program or field of study that prepares students for a licensed or certified occupation, a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensing or certification in that occupation, **PROVIDED**, that if a licensing authority does not review and approve institutions or programs, the institution shall provide students with the name and address of the licensing authority and indicate that a license is required to practice in the occupation toward which the program is directed. For all such programs, this information must be provided at the beginning of each program description in the catalog, brochure and supplementary publications.

(m) An outline for each program showing subject or units in the program, type of work or skill to be learned, approximate time and clock hours to be spent on each subject or unit, and the length of time in weeks or months normally required for completion.

(n) Policy and procedure relative to granting credit for previous education and training.

(o) Type of educational credential (certificate, diploma, or degree, etc.), awarded upon graduation or completion of the program. Degrees may be granted only by

those institutions accredited as degree-granting institutions under the provisions of WAC 490-600-045(5), and Section 4(5) of the Act.

(p) A detailed and explicit description of the extent and nature of placement assistance available to students and/or graduates.

(q) Specifics describing the extent of other available student services, such as counseling, housing, etc.

(r) A statement on the first page or cover of the catalog says that, "This school is registered with the Washington State Commission for Vocational Education under the Educational Services Act of 1979 and has agreed to comply with the requirements and educational standards established by the Commission for private vocational schools in the State of Washington," and that "in addition to any other legal remedies, in the event of a dispute between a student and the school involving a requirement of the Act or relevant Commission regulations either party may seek the assistance of the Executive Director of the Commission. Prior to seeking such assistance, however, the parties shall attempt to exhaust all institutional grievance and appeals procedures.

(s) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll in the institution.

(t) The catalog shall be supplemented with a printed schedule of classes, times and places for courses that will be offered each term, and said schedule shall be available to students at least two weeks prior to the beginning of classes.

(11) Nothing in this section shall be construed to supersede the authority of other agencies of the state of Washington and of the United States Government which specify the educational standards required in schools licensed by those agencies to provide training for licensable occupations, **PROVIDED**, that said educational standards are inclusive of the standards established by the Commission under this rule.

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 490-600-061 EDUCATIONAL STANDARDS—CORRESPONDENCE SCHOOLS. In addition to the appropriate standards outlined in WAC 490-600-060, it is expected that correspondence and homestudy schools shall:

(1) Have clearly defined and simply stated educational objectives for each of its courses, and that such objectives can be achieved through correspondence study,

(2) Offer only those courses that are sufficiently comprehensive, accurate and up-to-date, and the instructional materials and methods are educationally sound in terms of the course objectives and students to be enrolled, and,

(3) Provide adequate examination services, encouragement to students and attention to individual differences.

NEW SECTION**WAC 490-600-070 BUSINESS PRACTICES. (1) Business organization and ethics:**

(a) All owners, officers, agents and faculty of an institution shall at all times adhere to ethical practices, as may be attested to by responsible business or financial firms, credit associations or other reputable persons.

(b) The institution must operate on the basis of sound financial and administrative policies and at all times adhere to ethical practices as may be attested to by responsible business or financial firms, credit associations, or other reputable persons.

(2) Laws and regulations: An institution must operate in compliance with applicable federal and state laws, and local ordinances and regulations.

(3) Advertising:

(a) Statements about the school must be completely truthful and factual and must avoid leaving any misleading, false, or exaggerated impression, either by actual statement, omission, or intimation.

(i) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the Commission for Vocational Education.

(b) Neither the institution nor its agents shall engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair.

(4) Records retention:

(a) The records to be retained pursuant to section 18, chapter 188, Laws of 1979 1st ex. sess. shall include, but not necessarily be limited to:

(i) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students;

(ii) Records of previous education or training of students at the time of admission and records of credit, if any, granted by the institution at the time of admission with the student so notified;

(iii) Records of the student's grades and progress;

(iv) Individual instructor's class records and permanent office records for each student;

(v) Records of leave, absences, class cuts, make-up work, tardiness;

(vi) Records of interruption for unsatisfactory conduct or attendance, and;

(vii) Records of refunds of tuition, fees, and other charges made to the student.

(b) Institutions will maintain and have available for inspection at least three years from date of use, complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(c) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file and make available a transcript that specifies all courses undertaken or completed. Each course entry shall include a title, number of credits awarded or clockhours earned, and a grade. The transcript shall separately identify all credit awarded for prior learning or experience, and credit by examination.

(6) The institution shall comply with its published policies, procedures and standards and shall not change

their policies, procedures and standards without due notice as required by the act.

(7) Any institution shall grant to the commission access to such records and facilities as may be necessary for that agency to carry out its responsibilities under the Act.

NEW SECTION

WAC 490-600-071 MINIMUM CANCELLATION AND REFUND POLICY. The intent of the minimum cancellation and refund policy, is to see that each applicant/student is assured minimum conditions of refund, and that the school will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school.

(2) Termination date. The termination date for resident schools for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, and refund tuition and fees according to its published refund policy.

(3) Refund policy: Resident schools. Details of the school's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within three business days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation, but before entering school and starting the course, shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.

(d) First week. For a student terminating training after entering school and starting the course of training but within the first week, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus the registration fee not to exceed one hundred dollars, but in no event more than three hundred dollars.

(e) After first week. For a student terminating training after one week but within the first twenty-five percent of the course, the tuition charges made by the school shall not exceed twenty-five percent of the contract price of the course plus a registration fee not to exceed one hundred dollars.

(f) After twenty-five percent. For a student terminating training after completing twenty-five percent but less than fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee of not more than one hundred dollars, and thereafter.

(g) The institution may retain one hundred percent of the stated tuition plus the registration fee which may not exceed one hundred dollars.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(4) Application of policy. A school year for resident schools is defined by the period of time that the required learning experiences are fully available to the student. The definition of a "school year" must be established by resident schools for refund computation purposes and be published in the school's catalog.

(a) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(b) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(c) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(d) Any moneys due the applicant or student shall be refunded within thirty days after cancellation or termination.

(5) Extra expenses. Items of extra expense to the student, such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no

event shall the charges be more than the actual value of the materials or services used by the student.

(6) If promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(7) Institutions shall modify a student's contract and provide a pro rata refund to the student for any arbitrary and unilateral change by the institution that reduces contracted training time, which reduces course content, or other actions which adversely affect the training time or course content. The burden of proof that such changes did not adversely affect the student rests with the school if any dispute arises over a failure to apply such prorata refund.

(8) For correspondence and/or home study schools the following applies as minimum refund policies:

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition up to one hundred dollars, whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition. The amount of the course completed shall be the completed lesson assignments received for service by the school as compared to the total lesson assignments in the course.

(d) Upon cancellation, all money due the student shall be refunded within thirty days.

NEW SECTION

WAC 490-600-072 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to

be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. This checklist has been prepared to serve as a guide in preparing contracts. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood.

(l) Required elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligations, responsibilities, and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and any other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Certificate, diploma or degree, etc. Identification of type of document to be received by student upon successful completion of the course or program.

(f) Costs.

(i) Tuition. Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g. quarter, semester, etc.), and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in tuition charges.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment requirements.

(g) Starting date. Scheduled class starting date.

(h) Class schedule. All day, morning, afternoon, evening, split, or other time of class attendance.

(i) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(j) Cancellation or termination by student. How to cancel or voluntarily terminate.

(k) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 490-600-071.

(l) Employment assistance. Employment guarantee disclaimer.

(m) Effective date. Not binding until accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(n) Acknowledgements. Acknowledgement that signers have read, and received a copy of the contract must appear on the contract in large and conspicuous type.

(o) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(p) School signature. Acceptance date and signature of appropriate official at the school if not otherwise accepted in writing (by letter, etc.).

(q) Other elements. Other elements required by various governmental bodies (such as state licensing and approval agencies, consumer protection laws, etc.).

(i) A statement that the school is registered under this chapter, and that the student has certain rights under the Washington Educational Services Registration Act, chapter 188, Laws of 1979 first extraordinary session (46th Legislative Session).

(ii) A notification that, in addition to any other remedies in the event of any dispute concerning the terms of the contract, either party may seek resolution of the dispute by consulting the Commission for Vocational Education or the Attorney General of the state of Washington.

(2) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. The following are some specific examples.

(a) Single page. If the contract is not completed on one side of a single sheet of paper, a notation on the face of the first sheet must clearly and conspicuously refer to any terms or conditions appearing elsewhere as being a part of the contract.

(b) Starting date. If the scheduled starting date is subject to postponement:

(i) Reasons and maximum period for possible delay.

(ii) Alternatives, and effect or change of the refund policy.

(c) Training changes. If the course content, materials, or schedule are subject to change at the discretion of the school:

(i) Nature and extent of possible change.

(ii) Extra expenses to the student.

(d) Graduation requirements. Listing of any special graduation conditions or requirements.

(e) Extra charges. If any extra charges may be assessed:

(i) Nature of charge (such as make-up, repeat, special testing, equipment, housing, late charge, or other school services).

(ii) A fair refund policy, if payment for extras is collected in advance.

(f) Tuition changes. If the school reserves the right to adjust tuition rates before completion of the course:

(i) Specific points in the course at which changes may occur (school year, quarter, etc.).

(ii) The amount of reasonable advance notice to be provided to students.

(g) Sale of contract. If contracts or promissory notes are sold, discounted, or otherwise transferred:

(i) Authorization of the applicant (and financial sponsors, if any).

(ii) Statement that the refund policy continues to apply.

(h) Disclosures. Such elements as may be necessary to clarify any other requirements which are subject to being easily misunderstood.

(i) Items identified by previous misunderstandings.

(ii) Clear disclosure of expected conditions not otherwise covered.

(iii) Specific rights and obligations of the parties.

NEW SECTION

WAC 490-600-073 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand. Institutions not having been in operation prior to the date of their initial registration shall base their bond amount upon the tuition fees estimated in the budget required by WAC 490-600-050(h).

(2) In lieu of the surety bond provided for herein, the institution may furnish, file and deposit with the commission, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount and of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release same to the owner or school unless the commission advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the Commission and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the Executive Director.

NEW SECTION

WAC 490-060-075 DENIAL OR DISCONTINUANCE OF CERTIFICATION. If the Commission shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed in the Act and by this rule, the Commission after notice and an opportunity for a hearing may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate. If the Commission

finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, a summary suspension of a certificate of registration may be ordered pending proceedings for revocation or other actions.

Reviser's Note: The above new section was filed by the agency as WAC 490-060-075. This section is placed among sections forming new chapter 490-600 WAC, and therefore should be numbered WAC 490-600-075. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 490-600-076 APPEALS. Any person or educational institution feeling aggrieved by any dispute arising from the following actions may request a hearing pursuant to WAC 490-600-077 and RCW 34.04:

(1) A denial of recognition of an accrediting agency or association under WAC 490-600-046.

(2) A denial of an exemption under Section 4 of the Act and WAC 490-600-045.

(3) A denial, suspension or revocation of registration under WAC 490-600-075.

(4) Any other action taken by the staff of the Commission which is alleged to adversely affect the institutions or students, and which is not in keeping with the intent and purposes of the Act or these rules and regulations.

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 490-600-077 HEARINGS. Any hearing called for under the Act or WAC 490-600-076 shall be conducted in the following manner:

(1) The executive director or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedures Act, RCW 34.04. The findings, conclusions, and any recommendations for action shall be submitted to the Commissioners for final action pursuant to RCW 34.04.110.

(2) The Commissioners may accept or reject, in whole or in part, any recommendations made by the hearings officer, may remand for further findings, or take any other action they deem appropriate under the circumstances, pursuant to the provisions of the Act and these rules.

NEW SECTION

WAC 490-600-080 DUTIES OF THE COMMISSION. The executive officer, Commission for Vocational Education, shall provide for the administration of the provisions of the Act and the rules adopted thereunder, except that the Commissioners shall:

(1) Adopt reasonable policies, rules and regulations needed for carrying out the provisions and purposes of the Act.

(2) Conduct hearings as required by the Act and WAC 490-600-076 as provided for in WAC 490-600-077.

WSR 80-02-001
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1470—Filed January 3, 1980]

I, N. Spencer Hammond, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-80-005 Definitions.
 Amd WAC 388-83-025 Residence.

This action is taken pursuant to Notice No. WSR 79-11-113 filed with the code reviser on 11/2/79. 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 December 19, 1979.
 By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1299, filed 6/1/78)

WAC 388-80-005 DEFINITIONS. (1) "Acute and emergent" signify an acute condition, defined as having a short and relatively severe course, not chronic; and an emergent condition, defined as occurring unexpectedly and demanding immediate action.

(2) "Applicant" is any person who has made an application or on behalf of whom an application has been made to the department for medical care.

(3) "Applicant-recipient" or "A/R" is an applicant for or recipient of medical care provided according to these rules.

(4) "Application" shall mean a request for medical care made to the ~~((ESSO))~~ CSO by a person in his own behalf or in behalf of another person. A verbal application must be reduced to writing before considered complete unless the death of the applicant intervenes.

(5) "Assignment" is the method by which the provider receives payment for services under Part B of medicare.

(6) "Available income" is income available to meet the cost of medical care after deducting from net income items specified by the rules.

(7) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

(8) "Benefit period" is the term used by social security administration to denote a period of consecutive days during which services furnished to a patient, up to a certain specified maximum amount, can be paid for by the hospital insurance plan. The term applies to medicare beneficiaries only. See also "spell of illness".

(9) "Carrier" is the agency having a contract to serve as a third-party agency in behalf of the federal government for Part B of medicare.

(10) "Categorically related" refers to a resident of the state of Washington who is:

(a) A recipient of a federal aid grant, or

(b) A child receiving foster care, or

(c) An individual who meets the eligibility requirements for a federal aid grant, except that his income and/or resources exceed budgetary standards for a federal aid grant.

(11) "Central disbursements" is the state office section which audits nonmedicaid medical claims for payment billed on form DSHS 6-06 (A-19).

(12) Certification is a document confirming that an applicant has met the financial and medical eligibility requirements for the federal aid medical assistance (MA) or fully state-financed care services (MS) programs.

(13) "Chiropractor" is a person licensed by the state of Washington to practice chiropractic according to chapter 18.25 RCW.

(14) "Coinsurance" is a portion of the medicare cost for covered services, after the deductible is met, which the patient must pay.

(15) "CSO" (community service office) is an office of the department which administers the medical care program at the county level.

(16) "Deductible" is the initial cost of medical care for which the recipient is responsible. It applies specifically to:

(a) All recipients who are beneficiaries of Title XVIII medicare. This is the amount the individual accrues on a yearly basis and is paid by the department to the social security administration for authorized recipients;

(b) Applicants or recipients of ~~((noncontinuing general assistance who cannot be categorically related and applicants or recipients of))~~ medical only. Medical assistance can be certified after such recipients have accrued medical expenses as prescribed in WAC 388-83-045~~((+7))~~(2)(e).

~~((+6))~~ (17) "Department" shall mean the state department of social and health services~~((; the single state agency with authority to administer the Title XIX medical care program))~~.

~~((+7))~~ (18) "Detoxification" (alcohol) means three-day treatment of acute alcoholism for which the department will pay under the medical care program.

~~((+8))~~ (19) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under 21 years of age who are eligible under Title XIX of the Social Security Act.

~~((+9))~~ (20) "Essential person" is the "grandfathered" spouse of a former OAA, AB, or DA recipient for whom a cash allowance is included in the SSI benefit of a beneficiary.

~~((+0))~~ (21) "ESSO" (economic and social service office) ~~((is an office of the department which administers the medical care program at the county level))~~ see "CSO".

~~((+1))~~ (22) "Extended care facility" (ECF) See "skilled nursing facility".

~~((22))~~ (23) "Extended care patient" is a recently hospitalized medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

~~((23))~~ (24) "Federal aid" shall mean the medical assistance or aid to families with dependent children programs for which the state receives matching funds from the federal government.

~~((24))~~ (25) "Federal aid medical care only" (FAMCO) is medical care provided to a person not eligible for a federal aid grant or for foster care but who can otherwise be categorically related or who is otherwise eligible under the "H" category.

~~((25))~~ (26) "Financially eligible" shall mean the determination by the department that an applicant meets the financial requirements to receive medical care under the medical assistance (MA) or state medical care services (MS) programs.

~~((26))~~ (27) "Fiscal intermediary" is the agency having a contract to serve as fiscal agent for Part A of medicare.

~~((27))~~ (28) "Grandfathering" refers to certain individuals specified below who on December 31, 1973, were receiving medical assistance (or had an application pending which was subsequently approved) and who continue to be eligible under Title XVI for purposes of medicaid beginning January 1, 1974:

(a) Aged, blind and disabled recipients of FAMCO.

(b) Disabled recipients of categorical cash assistance who did not meet Title XVI disability criteria.

(c) Essential persons in adult federal-aid grant programs. All individuals above remain "grandfathered" as long as they continue to meet original program criteria or continue to be an essential person to the same individual who was converted to SSI, and as long as the latter remains eligible.

~~((28))~~ (29) "H category" is a federal aid category in the medical assistance (MA) program. An applicant under this category is an individual under 21, or a pregnant woman of any age, who cannot be categorically related but whose income and/or resources are insufficient to meet the cost of medical care.

~~((29))~~ (30) "Home" shall mean real property owned and used by an applicant-recipient as a place of residence, together with reasonable amount of property surrounding or contiguous thereto which is used and useful to him.

~~((30))~~ (31) "Home health agency" is an agency or organization certified under medicare to provide skilled nursing and other therapeutic services to the patient in his place of residence.

~~((31))~~ (32) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

~~((32))~~ (33) "Institution" shall mean a medical institution as defined in WAC 388-34-015.

~~((33))~~ (34) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

~~((34))~~ (35) "Legal dependents" are persons whom an individual is required by law to support.

~~((35))~~ (36) "Local office": See ~~((ESSO))~~ CSO.

~~((36))~~ (37) "Medical assistance" or "MA" shall mean the federal aid Title XIX program under which medical care is provided to:

(a) A recipient of a federal aid grant or of SSI benefit or a child receiving foster care

(b) A recipient of general assistance who is categorically related

(c) A recipient of general assistance who is eligible for care under the "H" category

(d) A categorically related recipient or a recipient under the "H" category who is eligible for federal aid medical care only (ineligible for a grant)

(e) The spouse of an aged, blind or disabled beneficiary for whom a cash allowance is included in the SSI benefit.

~~((37))~~ (38) "Medical audit". See "professional audit."

~~((38))~~ (39) "Medical care program" is the total program under which medical care is provided through medical assistance (MA) and medical care services (MS) according to the rules in chapters 388-80 through 388-95 WAC.

~~((39))~~ (40) "Medical care services" or "MS" shall mean the fully state-financed program under which medical care is provided to:

(a) A recipient of general assistance who cannot be categorically related,

(b) A recipient of general assistance who does not qualify in the "H" category,

(c) A recipient of medical only (MO).

~~((40))~~ (41) "Medical consultant" shall mean a physician employed by the department at the ~~((ESSO))~~ CSO level.

~~((41))~~ (42) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.

~~((42))~~ (43) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.

~~((43))~~ (44) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the department at the ~~((ESSO))~~ CSO level.

~~((44))~~ (45) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home.

~~((45))~~ (46) "Part A" is the hospital insurance portion of medicare.

~~((46))~~ (47) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of

an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, United States". The department has adopted this book as the basis for authorizing the maximum number of days of inpatient hospital care for which the department is responsible for payment.

~~((47))~~ (48) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor portion" of medicare.

~~((48))~~ (49) "Participation" is that part of the cost of medical care which the recipient who has available resources must pay.

~~((49))~~ (50) "Physician" is a doctor of medicine, osteopathy or podiatry who is legally authorized to perform the functions of his profession by the state in which he performs them.

~~((50))~~ (51) "Professional audit" shall mean that unit of the department which audits and authorizes payment for Title XIX provider billings.

~~((51))~~ (52) "Professional standards review organization" (PSRO) is the community based organization responsible for the review of the professional activities for which payment may be made for the purpose of determining whether services (a) are medically necessary, (b) constitute appropriate medical care, and (c) meet professionally recognized standards of quality care.

~~((52))~~ (53) "Provider" or "provider of service" means those institutions, agencies, or individuals furnishing medical care and goods and/or services to recipients and who are eligible to receive payment from the department. See also "vendor".

~~((53))~~ (54) "Recipient of continuing assistance" is a person certified by the ~~((ESSO))~~ CSO as eligible to receive a continuing maintenance grant, that is, a recipient of federal aid or continuing general assistance (GAU) or a child receiving foster care.

~~((54))~~ (55) "Recipient of medical assistance" (MA) is a resident of the state of Washington who is receiving medical care as a recipient of a federal aid grant or SSI benefit, as a foster child, as a recipient of general assistance categorically related or under the H category, as an "essential person", or who has been certified as eligible to receive federal aid medical care only (FAMCO).

~~((55))~~ (56) "Recipient of medical only" (MO) is a resident of the state of Washington who is not eligible for a grant or for medical assistance (MS), and who has been certified for the treatment of acute and emergent conditions only, under that part of the state funded medical care services (MS) program known as "medical only".

~~((56))~~ (57) "Recipient of noncontinuing general assistance" is a person certified by the department as eligible to receive temporary general assistance (GAN).

~~((57 "Resident" is a person who is living in the state of Washington voluntarily and not for a temporary purpose; that is, one who has indicated his intent to maintain his residence in the state and has no present intention of leaving the state to take up residence. No requirement of durational residence is imposed as a condition of eligibility.))~~

(58) Residence - the state which officially meets one or more of the following:

(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;

(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;

(c) The state making a state supplementary payment;

(d) The state making placement in an out-of-state institution;

(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty-one or is age twenty-one or over and who became incapable of determining residential intent before age twenty-one.

(f) The state where the person over age twenty-one judged to be legally incompetent is living.

(59) "Resource" is any asset which could be applied toward meeting the costs of medical care. A nonexempt resource is one which is available to meet the costs of medical care. An exempt resource is not considered available to meet the costs of medical care.

~~((59))~~ (60) "Retroactivity" is the process used to certify applicant/recipients related to federal programs no earlier than the first day of the third month prior to the month of application to cover unpaid bills for covered medical care.

~~((60))~~ (61) "Skilled nursing facility" shall mean a licensed facility certified to provide skilled nursing care for which an agreement has been executed.

~~((61))~~ (62) "Skilled nursing home", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services. Also known as "skilled nursing facility".

~~((62))~~ (63) "Spell of illness" (benefit period) begins on the first day a person eligible for medicare receives covered services in a hospital or extended care facility. A spell of illness ends as soon as he has been out of any hospital, extended care facility, or a nursing home providing skilled nursing service, for sixty consecutive days.

~~((63))~~ (64) "Spouse". -

(a) Eligible spouse is a person in a two-person household who, in addition to the eligible individual, is eligible for cash benefits under SSI. This person is automatically eligible for medicaid.

(b) Ineligible spouse is a person in a two person household of an eligible individual who is not eligible for a cash benefit under SSI. This person is not automatically eligible for medicaid and must apply in his or her own right.

~~((64))~~ (65) "State office" or "SO" shall mean the ~~((office))~~ division of medical assistance ~~((of the health services division))~~ of the department.

~~((65))~~ (66) "Supplementary security income" is a cash benefit provided as a federal payment and/or state supplement under Title XVI for the aged, blind and disabled.

~~((66))~~ (67) "Title XVI" is a program administered by the social security administration which provides supplementary security income to the aged, blind and disabled.

((67)) (68) "Transfer of property" shall mean any act or any omission to act whereby title to property is assigned or set over or otherwise vested or allowed to vest in another person, including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing whole or partial title of property.

((68)) (69) "Vendor" is a provider of medical goods or services under these rules.

NOTE* Specific definitions applicable to: Medical assistance to the aged and those under 21 years of age in mental institutions are in WAC 388-95-005, Title XVI related recipients are in WAC 388-92-005, and "Grandfathered" recipients are in WAC 388-93-005.

AMENDATORY SECTION (Amending Order 264, filed 11/24/67)

WAC 388-83-025 RESIDENCE. An applicant or recipient of the benefits of the medical care program must be a resident of the state of Washington (see exception in WAC 388-82-035(1)); an applicant-recipient need not be a resident of the county in which medical care is sought. See definitions, chapter 388-80 WAC.

WSR 80-02-002
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Memorandum—January 3, 1980]

Beginning at 9:30 a.m., Thursday, January 17, 1980

1. Minutes of UAB meeting, October 18, 1979
2. Report of Chairman
 - a. Status report on Arterial Classification, Inventory, and 1980 Six Year Construction Program
3. Apportionment of Urban Arterial Trust Funds between statutorily established regions for the first quarter of 1980
4. Allocation of Urban Arterial Trust Funds to authorized projects for first quarter of 1980
5. Identification and consideration of UATF under-runs on authorized Urban Arterial projects
6. Review of estimated Urban Arterial Trust Account cash requirements for period through September 1980
7. Proposed authorization of Urban Arterial Trust Funds for preliminary proposal projects
8. Review delayed active projects and proposed new schedules
9. Report on completed audits of UAB projects
10. Report on changes in scope approved by Chairman
11. Report on increases in Urban Arterial Trust Funds approved by the Chairman

WSR 80-02-003

ADOPTED RULES
BOARD OF HEALTH

[Order 191—Filed January 4, 1980]

Be it resolved by the Washington State Board of Health acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-16-045 Personnel.
- Amd WAC 248-18-040 Personnel.
- Amd WAC 248-22-520 Administrative management.

This action is taken pursuant to Notice No. WSR 79-11-089 filed with the code reviser on 10/25/79. 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 Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED December 12, 1979.

By Irma Goertzen

Chairman

Robert H. Barnes

Ronald L. Jacobus

John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-045 PERSONNEL. (1) There shall be sufficient staff, who are not of the resident population, to provide the services needed by residents and properly maintain the boarding home.

(2) At least one staff member who is capable of assisting residents shall be in a boarding home at all times when residents are present, or may return, to the facility.

(3) There shall be a written job description for each position classification within the boarding home: PROVIDED, HOWEVER, That this requirement shall not apply to a boarding home having a capacity for 20 or less residents which is owned and administered by one and the same individual or husband/wife partnership.

(4) A planned orientation shall be provided to each new employee to acquaint him or her with the: Organization of the boarding home; the physical plant layout; his or her particular duties and responsibilities; the policies, procedures and equipment which are pertinent to those duties and responsibilities; and the emergency procedures which boarding home staff will carry out.

(5) Each employee shall be provided needed training for the performance of the specific functions, duties, and procedures for which he or she is responsible.

~~(6) (Each employee shall have a tuberculin skin test every two years unless contraindicated.)~~ Upon employment, each person shall have or provide documented evidence of a tuberculin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than 10 mm of induration) no further tuberculin skin testing shall be required. A positive test will consist of ten mm or more of induration read at 48-72 hours. Positive reactors shall have a chest x-ray within 90 days of the first day of employment. Health records including skin test results, x-rays, or exemptions to such shall also be maintained in the facility. Exceptions:

~~(a) Those with positive tests (as defined above) shall have an annual screening in the form of a chest x-ray.~~

~~(b) Those with positive tests whose chest x-ray shows no sign of active disease, at least two years after the first documented positive skin test, shall be exempted from further annual testing.~~

~~(c) Those with positive tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.~~

(7) Employees with a communicable disease in an infectious stage shall not be on duty in the boarding home.

(8) For each employee there shall be a personnel record (on file) which includes the employee's education or training and work experience.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-18-040 PERSONNEL. (1) There shall be sufficient qualified personnel to properly operate each department of the hospital.

(2) The department of nursing shall be under the direction of a registered nurse. There shall be an adequate number of registered nurses on duty at all times.

(3) All nonprofessional employees performing nursing service functions shall be under the direct supervision of a registered nurse.

(4) Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method. A positive test will consist of ~~((ten mm.))~~ 10 mm of induration, or greater, read at 48-72 hours. Positive reactors shall have a chest x-ray within 90 days. A record of test results, x-rays, or exemptions to such will be kept in the facility.

~~((5))~~ Exceptions(-):

~~(a) ((An employee who is known to be a positive reactor and who has not taken chemoprophylaxis shall have a chest x-ray in lieu of a tuberculin skin test.))~~ Positive reactors (as defined above) shall have an annual screening in the form of a chest x-ray.

~~(b) Positive reactors whose chest x-ray shows no sign of active disease at least two years after the first documented positive skin test shall be exempted from further annual testing.~~

~~(c) Positive reactors who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.~~

~~(d) An employee who ((feels)) states that the tuberculin skin test by the Mantoux method would present a~~

hazard to his health because of conditions peculiar to his own physiology may present supportive medical data to this effect to the tuberculosis control program, Health Services Division, Department of Social and Health Services. ~~((The department will select three physicians expert in the management of tuberculosis and will submit the medical data to them. The three physicians will review and evaluate the data and thereafter recommend to the department whether the requirement of the tuberculin skin test should be waived for the individual employee.))~~ The department ~~((will consider the recommendation of the three physicians selected by it and))~~ will decide whether the waiver should be granted to the individual employee and will notify the employee accordingly. Any employee granted a waiver from the tuberculin skin test shall have a chest x-ray taken in lieu thereof.

~~((6))~~ (5) Employees with a communicable disease in an infectious stage shall not be on duty.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-22-520 ADMINISTRATIVE MANAGEMENT. (1) Governing body.

(a) The alcoholism treatment facility shall have an effective governing body which is legally responsible for the conduct of the alcoholism treatment facility.

(b) The governing body shall:

(i) Adopt bylaws which establish the mechanism for selection of officers and members of the governing body.

(ii) Maintain a current job description for the position of administrator, which delineates the qualifications for and the responsibilities of the position.

(iii) Establish the philosophy and overall objectives for the alcoholism treatment facility and each distinct part thereof.

(iv) Adopt administrative policies which establish the mechanism for delegation of responsibility and accountability for operation and maintenance of the alcoholism treatment facility.

(v) Adopt policies for the care of clients in the facility and every distinct part thereof. These policies shall govern the admission of clients, the length of stay, the type and scope of services provided to clients, and the transfer or discharge of clients and shall provide for a continuing evaluation of the alcoholism treatment program(s).

(vi) Provide for the personnel, facilities, equipment, supplies, and special services which are necessary to meet clients' needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(c) The bylaws, job description for the administrator, philosophy and objectives, administrative policies and policies regarding the care of clients shall be: consistent with applicable federal and state laws and regulations; written, current, dated and signed by officers of the governing body; and shall be readily available to all members of the governing body and other persons in accordance with their responsibilities or involvement in implementation.

(2) Administrator.

(a) There shall be an administrator at least 21 years of age who manages the alcoholism treatment facility effectively.

(b) At any time the administrator is not on duty or on call, there shall be a person on duty or on call to whom the administrator has delegated the authority and responsibility to act in his stead. Any person to whom the administrator's authority and responsibility are delegated shall be a competent person at least 21 years of age who is not currently a client in the facility.

(c) The administrator shall establish and maintain a current written plan of organization which includes all positions and delineates the functions, responsibilities, authority and relationships of all positions within the alcoholism treatment facility.

(d) The administrator shall ensure that written policies and procedures are: developed, reviewed and revised, as necessary to keep them current; dated and signed by persons having responsibility for approval of the policies and procedures; readily available to personnel; and followed in the care and treatment of clients.

(3) Personnel.

(a) There shall be sufficient qualified personnel, who are not of the client population, to provide the services needed by clients and properly maintain the alcoholism treatment facility. This shall not preclude the assignment of work to a client when the assignment is part of the client's treatment program and the client works under the immediate supervision of a member of the staff.

(b) There shall be a written job description for each position classification within the facility.

(i) Each job description shall include: the job title, the definition of the position, the title of the immediate supervisor, a summary of the duties and responsibilities and the minimum qualifications.

(ii) Qualifications listed in a job description shall include the education, training, experience, knowledge and special abilities required for the position.

(iii) The appropriate job description shall be explained to each employee, and shall be used thereafter as one of the means for evaluating his performance.

(iv) Job descriptions shall be dated and shall be reviewed and revised so they are kept current.

(c) There shall be an education program which affords each employee opportunity to develop the competencies needed to perform the duties and responsibilities assigned to him.

(i) A planned, supervised orientation shall be provided to each new employee to acquaint him with the organization of the facility, the physical plant layout, his particular duties and responsibilities, the policies, procedures and equipment which are pertinent to his work and the disaster plan for the facility.

(ii) A planned training program shall be provided to any employee who has not been prepared for his job responsibilities through completion of a recognized, formal educational program.

(iii) Each employee shall be provided training for the performance of the specific functions, duties, and procedures for which he is responsible, but lacks adequate training or experience.

(iv) A record shall be maintained of the orientation, on-the-job training and continuing education provided for the employee. The data contained in this record shall be sufficient to allow determination of whether or not the employee has received the training or education necessary for performance of his functions and duties.

~~(d) (Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method, except that an employee who is known to be a positive reactor shall have a chest x-ray examination in lieu of a required tuberculin skin test. A positive test will consist of ten mm. of induration read at 48-72 hours.)~~ Upon employment, each person shall have or provide documented evidence of a tuberculin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than 10 mm of induration) no tuberculin skin test shall be required. A positive test will consist of 10 mm or more of induration read at 48 to 72 hours. Positive reactors shall have a chest x-ray within 90 days of the first day of employment. Exceptions:

(i) Those with positive tests (as defined above) shall have an annual screening in the form of a chest x-ray.

(ii) Those with positive tests whose chest x-ray shows no sign of active disease, at least two years after the first documented positive skin test, shall be exempted from further annual testing.

(iii) Those with positive tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(c) Employees with a communicable disease in an infectious stage shall not be on duty.

(f) For each employee there shall be a current personnel record (or file) which includes the following:

(i) Application form, which includes or is supplemented by a resume' of the employee's education or training and work experience.

(ii) Verification of the employee's professional, technical or vocational education or training.

(iii) Written performance evaluations for the initial six ~~((6))~~ months of employment and for each year of employment thereafter.

(iv) A record of verification of a valid, current license for any employee for whom licensure is required.

(v) Evidence of adequate health supervision including a record of tuberculin skin tests or chest x-rays, accidents occurring on duty, and illness occurring during the time of employment.

(4) Agreement for student practice. If an alcoholism treatment facility provides a setting for student practice in a formal educational or training program, there shall be a written agreement with the educational agency or institution concerned. This agreement shall define the nature and scope of student activities within the facility, and ensure supervision of student activities in the interest of clients' welfare.

(5) Disaster plan. The alcoholism treatment facility shall have a current written plan to be followed in the event of fire, explosion or other type of disaster. This plan shall be developed with the assistance of fire, safety

and other appropriate experts and shall include directions regarding: the course of action to be taken according to the type and nature of a disaster; the location and use of devices for activating the alarm system; procedures for notifying the fire department; methods of containing fire; the location and use of equipment for extinguishing fires; evacuation procedures and routes; procedures for notifying appropriate persons; care and transfer of casualties; and removing and safeguarding records. The plan shall be posted in appropriate locations throughout the alcoholism treatment facility so it is readily available to all personnel. Orientation and training on the disaster plan and procedures shall be provided to all personnel and drills shall be conducted at irregular intervals during the day and night and at least 12 times each year so each employee is prepared to act in the role for which he would be responsible should a disaster occur.

WSR 80-02-004

PROPOSED RULES

COMMISSION FOR VOCATIONAL EDUCATION

[Filed January 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 28C.04 RCW, that the Commission for Vocational Education intends to adopt, amend, or repeal rules concerning the service areas of the vocational-technical institutes of the common school system required by RCW 28C.04, the 1975 Vocational Education Act, specifically by RCW 28C.04.020(6) and RCW 28C.04.150, adopting WAC 490-38-090 thru 490-38-160 and repealing WAC 490-38-010 thru 490-38-080 relating to Service areas and outside programs—Determined invalid by a court order; that such agency will at 10:00 a.m., Thursday, March 20, 1980, in the Auditorium on the Mezzanine of the Sea-Tac Airport Terminal, Seattle, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at approximately 1:30 p.m., Thursday, March 20, 1980, in the Auditorium on the Mezzanine of the Sea-Tac Airport Terminal, Seattle.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 13, 1980, and/or orally at 10:00 a.m., Thursday, March 20, 1980, Auditorium on the Mezzanine of the Sea-Tac Airport Terminal, Seattle.

Dated: January 2, 1980

By: Homer J. Halverson
Executive Director

NEW SECTION

WAC 490-38-090 PURPOSE. The purpose of this chapter is to establish rules and regulations which:

- (1) Define the service areas of the common school vocational technical institutes.
- (2) Govern the offering of new or expanded vocational education programs by common school vocational technical institutes and community colleges outside their respective service areas.

(3) Establish procedures by which vocational technical institutes and community colleges shall provide reasonable notice to common school districts and/or community college districts of the desire on the part of the vocational technical institute or community college to offer a new or expanded vocational education program affecting such common school districts and/or community college districts.

NEW SECTION

WAC 490-38-100 AUTHORITY. These rules and regulations are promulgated by the Commission for Vocational Education pursuant to authority contained in RCW 28C.04.020, 28C.04.040, 28C.04.060, and 28C.04.150.

NEW SECTION

WAC 490-38-110 DEFINITIONS. For purposes of these rules and regulations the following terms shall have the definitions indicated:

(1) Program. Program shall mean a planned sequence of courses, services, or activities designed to meet an occupational objective: PROVIDED, That, for purposes of these regulations, program shall not mean a cooperative work station, a clinical training station, or a work study position.

(2) Commission. Commission shall mean the commission for vocational education.

(3) State Plan. State Plan shall mean the Washington State Plan for Vocational Education adopted as required by Part A of Title I of the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, P.L. 94-482.

(4) Vocational technical institute. Vocational technical institute shall mean a specialized area 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.

(5) Community college. Community college shall mean an educational institution created by and pursuant to RCW 28B.50.010, et seq., to offer, among other things, vocational technical adult education programs, having a major emphasis on post high school education.

(6) Local advisory committee. Local advisory committee shall mean the advisory committee established by community colleges and vocational technical institutes for the particular occupation.

(7) Days. Unless otherwise indicated in these rules and regulations any reference to "days" shall mean working days exclusive of weekends and holidays.

NEW SECTION

WAC 490-38-120 VOCATIONAL TECHNICAL INSTITUTE SERVICE AREAS DEFINED. The service areas of vocational technical institutes shall be the community college district in which a particular VTI resides.

NEW SECTION

WAC 490-38-130 OPERATION OF PROGRAMS BEYOND DISTRICT BOUNDARIES. Except as provided for by these rules and regulations, common school vocational technical institutes and community colleges shall not offer new or expanded vocational education programs or any portion thereof outside their respective community college district: PROVIDED, That, any program operated by a community college pursuant to RCW 28B.50.092 or, as of the effective date of these regulations, in a state correctional institution with funds received by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, is hereby deemed approved and authorized by the commission to continue in existence. PROVIDED FURTHER, That the following vocational education courses offered by vocational technical institutes beyond their community college district boundaries on three or more occasions between September 1972 and June 1977 are hereby approved and authorized by the commission to continue in existence at the location indicated. Previously existing programs authorized to continue in existence are as follows:

VTI	COURSE	LOCATION	VTI	COURSE	LOCATION
Lake Wash.	Evergreen Parent Education Coop.	Bothell, Wash.			Dept. of Commerce (Sea Grant)
"	Finn Hill Parent Education Coop	Bothell, Wash.	Bellingham VTI	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
"	Key Punch	Bellevue, Wash.			
"	Pre-Release Program	Monroc, Wash.	"	Marine Fisheries Courses (Sea Grant)	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
"	Cosmetology	Bellevue, Wash.			
"	Cosmetology	Bothell, Wash.			
"	Industrial First Aid	Bothell, Wash.	L.H. Bates VTI	Bakers, Apprenticeship	McNeil Island
"	Industrial First Aid	Ncwhalcm, Wash.			
Renton Voc. Tech. Inst.	Boilermaker (Preparatory and Supplemental including apprenticeship)	Seattle, Wash.	"	Cabinet & Detail Millmen, Apprenticeship	Mcneil Island
"	Day care	Seattle, Wash.	"	Diesel Mechanics, Appren.	McNeil Island
"	Day Care	Bellevue, Wash.	"	Painting & Decorating, Appren.	McNeil Island
"	Electrician and Residential Wireman	Seattle, Wash.	"	Electrical (Radio-T.V. Service), Apprenticeship	McNeil Island
Renton Voc. Tech. Inst.	Electrician and Residential Wireman	Sequim, Wash.	"	Machinist, Apprenticeship	McNeil Island
"	"	Port Angeles, Wash.	"	Plumbers, Apprenticeship	McNeil Island
"	"	Bremerton, Wash.	"	Welding	McNeil Island
"	Aircraft Fabrication	Seattle, Wash.	"	Electrical (Radio Communi-cation)	McChord AFB
"	"	Everett, Wash.	"	Welding	McChord AFB
"	Truck Fabrication	Seattle, Wash.	"	Automotive Mechanics, Day Prep.	Ft. Lewis
"	Family Relations (Alcohol Educ.)	Seattle, Wash.	"	Carpentry, Day Prep.	Ft. Lewis
"	"	Federal Way, Wash.	"	Electrical, Day Prep.	Ft. Lewis
"	"	Bellevue, Wash.	"	Outboard, Motorcycle & Small Engine Repair	Ft. Lewis
"	First Aid	Seattle, Wash.	"	Radio-TV Service Tech.	Ft. Lewis
"	"	Bellevue, Wash.	"	Trade Welding, Day Prep.	Ft. Lewis
"	"	Federal Way, Wash.	L.H. Bates VTI	Parent-Operated Coop. Pre-School	Puyallup, Wash.
"	Lineman/Wireman/Mcterman	Olympia, Wash.	"	"	University Place, Wash.
"	Motor Control/Marine Electrician	Seattle, Wash.	"	"	Sumner, Wash.
"	Parent Education	Federal Way, Wash.	"	"	Midland, Wash.
"	Plumbing and Pipefitting	Seattle, Wash.	"	First Aid	Buckley, Wash.
"	"	Wenatchee, Wash.	"	"	Sumner, Wash.
"	Roofing	Seattle, Wash.	"	"	Lakewood, Wash.
"	Shipyards Worker	Seattle, Wash.	"	"	Orting, Wash.
"	Cosmetology	Seattle, Wash.	"	"	Puyallup, Wash.
"	"	Burien, Wash.	"	"	Fife, Wash.
"	Custodial Training	Issaquah, Wash.	"	"	University Place
"	Institutional Cooking	Issaquah, Wash.	"	"	Ft. Lewis
"	Ornamental Horticulture	Issaquah, Wash.	"	"	Eatonville, Wash.
"	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction	"	"	Enumclaw, Wash.
Clover Park VTI	Supervisory Skill Training	Auburn, Wash.	"	Supervisory, Formanship, Management & Teacher Training	Bremerton, Wash.
"	"	Tacoma, Wash.	"	"	Ft. Lewis
Clover Park VTI	Parent Coop. Preschool Trng.	Fox Island, Wash.	"	"	McChord AFB
"	"	Yelm, Wash.	"	"	Seattle, Wash.
"	Child Day Care Coop. Program	Tacoma, Wash.	"	Childbirth Education	Federal Way, Wash.
"	Marine Fisheries Courses	Coast of Wash. as per contract with the U.S.	"	Health Occup. - LPN & Medications	Ft. Lewis

NEW SECTION

WAC 490-38-131 ONGOING COURSES—AUTHORITY TO COMPLETE. Nothing in these regulations shall be construed to prohibit a common school VTI or a community college from completing a vocational education course which was in existence prior to adoption of these rules and regulations: **PROVIDED,** That the authority to offer such courses shall exist only for the reasonable period of time necessary to complete the particular course, and: **PROVIDED FURTHER,** That unless otherwise provided by these rules and regulations, VTI's and community colleges shall not be authorized to enroll new students in vocational education courses located outside their respective community college district.

NEW SECTION

WAC 490-38-140 OPERATION OF VOCATIONAL EDUCATION PROGRAMS OUTSIDE OF DISTRICTS—AUTHORIZED BY THE COMMISSION. Common school vocational technical institutes and community colleges may offer new or expanded vocational education programs outside of their respective community college district when authorized by the Commission for Vocational Education following compliance with the procedures set forth in this section. The procedures shall be as follows:

(1) A common school vocational technical institute or a community college desiring to offer a new or expanded program beyond its district boundaries shall in conjunction with the local advisory committee having responsibility for the particular program determine that the new or expanded program will fulfill a need currently unmet by a Washington State Vocational education delivery system. This determination shall be in writing and shall be based upon the factors set forth in WAC 490-38-160 of this chapter and shall include a detailed statement of the needs intended to be met by the program and an outline of the program itself. Upon completion a copy of the written determination shall be provided to the Commission for Vocational Education, the Superintendent of Public Instruction, and the State Board for Community College Education.

(2) After making a determination of need as provided for in subsection (1) of this section, the institution shall file with the Commission for Vocational Education, the Office of the Superintendent of Public Instruction, the State Board for Community College Education and the common school district and/or community college district in which any portion of a new or expanded vocational education program is to be located, a Notice of Intent to offer a new or expanded vocational education program. The Notice of Intent shall be in a form substantially similar to that contained in WAC 490-38-150 of these rules and regulations and shall include as attachments a copy of the determination of need developed under subsection (1) of this section.

(3) The common school district and/or community college district in which a particular new or expanded program is to be located shall within five days of receipt of the Notice of Intent notify the Commission for Vocational Education, the Office of the Superintendent of Public Instruction, State Board for Community College Education, and the institution which filed the Notice of any objection to the proposed new or expanded program in writing. If written objection is not received within five days of receipt of the Notice of Intent, the new or expanded program will be deemed approved by the commission for purposes of these regulations: **PROVIDED,** That, the Executive Director of the commission for Vocational Education may within seven days of the receipt of the Notice of Intent in his or her office object in writing to the Office of the Superintendent of Public Instruction and the State Board for Community College Education. The Executive Director may submit the question for resolution to the Office of the Superintendent of Public Instruction and the State Board for Community College Education, and if the question is not resolved, the Executive Director may submit the question of program authorization to the commission for dispute resolution as provided for in subsection (6) of this section.

(4) In the event that formal written objection is made by a common school district or a community college district as provided for in subsection (3) of this section to the creation of a new or expanded program, the objecting party and the institution seeking approval shall submit the objection to the Office of the Superintendent of Public Instruction and the State Board for Community College Education who shall attempt to resolve differences regarding the proposed program by utilizing interagency dispute settlement procedures created by the agencies.

(5) If after a reasonable period of time not to exceed five days following the date of receipt of the written objection by the Commission for Vocational Education the objecting agency and/or the institution seeking approval have not notified the commission that the dispute has been resolved the commission or its designee shall appoint a dispute mediator who shall attempt to resolve the dispute by meeting directly with all concerned parties.

(6) If, after five calendar days, following appointment as mediator, the dispute mediator is unable to resolve the disagreement, any party or the Executive Director of the commission may submit the dispute for resolution under chapter 490-37 WAC.

NEW SECTION

WAC 490-38-150 NOTICE OF INTENT—CONTENT—FORM.

NOTICE OF INTENT TO OFFER VOCATIONAL EDUCATION PROGRAM, SERVICE OR ACTIVITY AT EXTENDED LOCATIONS

Date 19..

TO:
.....
.....

This will notify you that institution intending to operate at extended location has been requested by name of labor organization, community group, etc. to conduct the following vocational education program, service, or activity, not otherwise available to them, within (school or community college district in which program or portion thereof is to be located)

Title or description of program:

.....

Training location proposed:

Anticipated enrollment:

Anticipated start date: Anticipated ending date

Further particulars regarding this proposed program are available from:

Name, address and telephone number of administrator

The above described activity has been approved by the appropriate name or description advisory committee serving this district.

.....
.....
.....

The above form "Notice of Intent" shall be mailed to: The Commission for Vocation Education, The Office of the Superintendent of Public Instruction, The State Board for Community College Education, the common school district(s), and/or the community college district(s) in which any portion of a new or expanded vocational education program is to be located.

NEW SECTION

WAC 490-38-160 PROGRAM APPROVAL—FACTORS TO BE CONSIDERED. A decision to offer a new or expanded vocational education program beyond the district boundaries of a VTI or a community college shall be based upon a consideration of at least the following factors:

- (1) The particular vocational need of the community, region and state.
- (2) Whether a common school, a community college, or both can best respond to particular vocational education needs.
- (3) Whether a new or expanded program will encourage cooperation and coordination rather than competition.
- (4) The desires and preferences of community residents and of the representatives of management and labor are considered.

(5) Whether a particular new or expanded program will result in unnecessary duplication of vocational education programs and facilities or in an inefficient utilization of the vocational education resources of the state of Washington.

(6) Whether a particular new or expanded program is consistent with the State Plan for Vocational Education.

REPEALER

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

- (1) WAC 490-38-010 PURPOSE.
 (2) WAC 490-38-020 AUTHORITY.
 (3) WAC 490-38-030 DEFINITIONS.
 (4) WAC 490-38-040 VOCATIONAL TECHNICAL INSTITUTE SERVICE AREAS DEFINED.
 (5) WAC 490-38-050 OPERATION OF PROGRAMS BEYOND DISTRICT BOUNDARIES.
 (6) WAC 490-38-051 ONGOING COURSES—AUTHORITY TO COMPLETE.
 (7) WAC 490-38-060 OPERATION OF VOCATIONAL EDUCATION PROGRAMS OUTSIDE OF DISTRICTS—AUTHORIZED BY THE COMMISSION.
 (8) WAC 490-38-070 NOTICE OF INTENT—CONTENT—FORM.
 (9) WAC 490-38-080 PROGRAM APPROVAL—FACTORS TO BE CONSIDERED.

WSR 80-02-005

NOTICE OF PUBLIC MEETINGS DATA PROCESSING AUTHORITY [Memorandum—January 4, 1980]

Regular Meeting — January 9, 1980
 1:30 p.m. — Board Room
 Olympia Technical Community College
 Administration Building
 Olympia, Washington

WSR 80-02-006

NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION [Memorandum—January 3, 1980]

The State Hospital Commission will meet in Seattle at the University Tower Hotel, N.E. 45th and Brooklyn Avenues, beginning at 9:30 a.m., on Thursday, January 10, 1980. The agenda for this meeting, as contained in the Notice, dated December 19, 1979, has been revised and is printed below.

The State Hospital Commission has cancelled its regularly scheduled meeting of January 24, 1980. Future meetings are scheduled for February 14 and 28 at the Vance Airport Inn at Sea-Tac, beginning at 9:30 a.m.; March 13 at University Tower Hotel, beginning at 9:30 a.m.; March 27, April 10 and 24, and May 8 and 22 at the Vance Airport Inn at Sea-Tac, beginning at 9:30 a.m.

WSR 80-02-007

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION [Memorandum, Administrator—January 3, 1980]

The March 1980 IAC meeting has been rescheduled to a one-day meeting, Thursday, March 27, 1980, Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington.

WSR 80-02-008

NOTICE OF PUBLIC MEETINGS CLARK COMMUNITY COLLEGE [Memorandum, Secretary—December 20, 1979]

In compliance with the Washington State Administrative Code regulations regarding the reporting of meeting dates of the board of trustees, we hereby submit the following dates on which the Board of Trustees of Clark Community College District No. 14 is scheduled to meet during 1980:

January 15	June 17
February 19	July 15
March 18	September 16
April 15	October 21
May 20	November 18
	December 16

WSR 80-02-009

NOTICE OF PUBLIC MEETINGS BELLEVUE COMMUNITY COLLEGE [Memorandum, President—January 4, 1980]

The regular meetings of the Board of Trustees of Community College District VIII shall be held during 1980 on the following dates:

January 8
February 5
March 4
April 1
May 6
June 3
July 1
August 5
September 9
October 21
November 11
December 2

The meetings will begin at 12 noon in the Bellevue Campus Cafeteria with a discussion of agenda items and at 1:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington for a business session. If that day is a legal holiday, the meetings will be held as soon thereafter as possible. In the event the Board of Trustees of Community College District VIII is unable to meet on the regular meeting date, a special meeting may be scheduled and held as soon thereafter as possible. In the

event the Board of Trustees of Community College District VIII is unable to meet, the Chairman of the Board may order that no regular meeting of the Board of Trustees be held that month.

WSR 80-02-010

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF EMPLOYMENT SECURITY

(Employment Security Advisory Committee)

[Memorandum, Commissioner—January 2, 1980]

This is to advise you, pursuant to RCW 34.08.020, that the Advisory Committee to the Employment Security Department will meet on Thursday, January 17, 1980, at the Employment Security Building, Commissioner's Conference Room, 212 Maple Park, Olympia. Inquiries about the meeting should be addressed to Karen Fraser, telephone 754-1605.

WSR 80-02-011

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

(Air Pollution)

[Order DE 80-3—Filed January 7, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to primary aluminum plants, amending chapter 18-52 WAC.

I, Wilbur G. Hallauer, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an explicit policy of the Washington Clean Air Act is to secure and maintain such levels of air quality as will comply with the Federal Clean Air Act. For over a decade the state and regional entities have been engaged in a comprehensive program which seeks to retain the conduct of air pollution control on a local level while conforming to national objectives. The major instrument of this program is a plan which implements federal requirements within the framework of state law.

In 1977 the Federal Clean Air Act was amended substantially to require, among other things, the revision of each State Implementation Plan (SIP) for those areas currently violating national ambient air quality standards. Pursuant to these amendments, areas of non-attainment in Washington State were designated and SIP revisions for these non-attainment areas were developed by the Department of Ecology (DOE).

The revised SIP was submitted to the United States Environmental Protection Agency (EPA) for review on April 27, 1979. Under the Federal Act, EPA must approve a SIP before its provisions can operate to satisfy federal law. Disapproved portions of a SIP can be

brought into conformity with the federal requirements only by state modifications of the SIP satisfactory to EPA or by direct promulgation of SIP provisions by EPA itself.

On November 9, 1979, EPA published its proposed response to the revised Washington SIP at 44 Federal Register 65084-65093. EPA there proposed to approve or conditionally approve the Washington SIP in numerous respects, but proposed to disapprove the SIP insofar as it relates to new source review for kraft pulp mills, sulfite pulp mills and primary aluminum plants.

Detailed permit requirements are mandated by federal law for major sources within such categories whenever construction of a new source or modification of an existing source is proposed. Although DOE has communicated its intention to pursue general rule making to bring review of these sources into conformity with federal requirements, the rule-making process will not be completed until sometime in the Spring of 1980.

However, the federal decision on disapproval can occur anytime after January 10, 1980. The effect of a disapproval, as a matter of federal law, is to prevent any construction which would modify a major kraft mill, sulfite mill, or primary aluminum plant in any non-attainment area for a primary national ambient air quality standard for as long as the disapproval lasts.

Certain time constraints limit both EPA and DOE in terms of how quickly a disapproval can be corrected. While such a situation exists, a construction moratorium for affected sources is in force.

DOE has concluded that it is unfair for such a moratorium to exist owing solely to the problems of governmental entities in completing a complex and protracted process of cooperative law-making. The shortest time span within which this governmentally-induced moratorium can be removed is through adopting emergency regulations conforming to federal requirements, in an effort to avoid a disapproval by EPA of the relevant portions of the SIP. If the proposed disapproval can thereby be converted to a proposal for approval, the moratorium can be ended in the shortest time.

Additionally, such emergency regulations can form the basis for the processing of permit applications during the time the moratorium is in effect.

These rules are adopted, then, in response to the situation described. The emergency exists in the existence of a moratorium until the SIP can be approved. Sources which might satisfy measures for air pollution control to be required cannot build until those requirements are formally a part of an approved SIP. This imposes hardships beyond the control of affected sources in terms of planning and financing and, this is DOE's view, justifies the adoption of these rules without observance of the customary notice and hearing procedures.

At the same time, DOE intends to engage in general rule-making, with notice and hearing, for kraft mills, sulfite mills and primary aluminum plants, so that before any rules relating to new source review for these sources are adopted on other than a temporary basis, all interested persons will have an opportunity to be heard on what their final form ought to be.

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

This rule is promulgated pursuant to RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 7, 1980.

By Wilbur G. Hallauer
Director

AMENDATORY SECTION (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 C.F.R. parts 60 and 61.

(ii) The applicable state implementation plan emission limitation.

(iii) The emission rate specified as a permit condition.

((+)) (5) "All sources" ((—)) means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house and collection, treatment and recovery systems.

((+)) (6) "Ambient air" ((—)) means the surrounding outside air.

((+)) (7) "Anode baking plant" ((—)) means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

((+)) (8) "Anode plant" ((—)) means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(9) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed primary aluminum plant or modification which the department of ecology, on a case by-case basis, taking into account energy, environmental,

and economic impact and other costs, determines is achievable for such plant or modification through application of production processes or available methods, systems, and techniques. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(10) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

((+)) (11) "Cured forage" ((—)) means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

((+)) (12) "Department" ((—)) means state of Washington department of ecology.

((+)) (13) "Emission" ((—)) means a release into the outdoor atmosphere of air contaminants.

((+)) (14) "Emission standard" ((—)) means the limitation on the release of a contaminant or multiple contaminants into the ambient air.

((+)) (15) "Fluorides" ((—)) means matter containing fluoride ion.

((+)) (16) "Forage" ((—)) means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

((+)) (17) "Fugitive" ((—)) particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(18) "Fugitive emissions" means contaminants which are generated by industrial or other activities which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(19) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(20) "Major source" means any source which has potential emissions exceeding one hundred tons per year or

more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(21) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(22) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(23) "New source" means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+2)) (26) "Opacity" ((-)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+3)) (27) "Particulate matter" ((-)) means a small, discrete mass of solid or liquid matter, but not including uncombined water.

(28) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential rate of a source.

((+4)) (29) "Primary aluminum plant" ((-)) means those plants which will or do operate for the purpose of or related to producing aluminum metal from aluminum oxide (alumina).

((+5)) (30) "Pot line primary emission control ((Systems)) system" ((-)) means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(31) "Reasonably available control technology (RACT)" means the lowest emission limit that a primary aluminum plant is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

RACT is determined on a case-by-case basis for an individual plant taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any primary aluminum plant may be adopted as an order or regulation after public hearing.

((+6)) (32) "Regularly scheduled monitoring" ((-)) means sampling and analyses in compliance with a program and schedule approved pursuant to WAC ((+8-52-050)) 18-52-061.

((+7)) (33) "Standard dry cubic foot of gas" ((-)) means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

(34) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-041 REVISION OF EMISSION STANDARDS. (1) A public hearing shall be called within ninety days after submission of the results of the special studies provided for under WAC 18-52-080 herein to evaluate the special studies, current technology and adequacy of these regulations, and to make revisions to the regulations, as necessary.

(2) The department may, after public hearing, establish more restrictive emission limits for new primary aluminum plants or for plants that expand existing facilities. Data documenting projected emissions and changes in or effects upon air quality that would result from the construction or expansion must be submitted to the department, together with plans and specifications, in accordance with WAC ((+8-52-09+(3))) 18-52-056(3).

NEW SECTION

WAC 18-52-051 STANDARDS OF PERFORMANCE. For primary aluminum plants which commenced construction after September 24, 1976, Title 40, code of federal regulations, part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to November 1, 1979, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology.

NEW SECTION

WAC 18-52-056 NEW SOURCE REVIEW. (1) Whenever the construction, installation or establishment of a new primary aluminum plant is contemplated, the

owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in subsection 2(a) of this section, which will increase potential emissions or ambient concentrations of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour, or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission

offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour,

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 18-52-056(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new

plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

AMENDATORY SECTION (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-071 REPORTING. (1) Unless otherwise authorized in writing by the department, data shall be reported by each primary aluminum plant within thirty days of the end of each calendar month in the specified seasons for each source and station included in the approved monitoring program as follows:

(a) **Ambient air:** Twelve-hour concentrations of gaseous fluoride in the ambient air expressed in micrograms of hydrogen fluoride per cubic meter of ambient air.

(b) **Forage:** Concentrations on fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) **Particulate emission:** Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 18-52-031(2) shall be determined by measurements of emissions from the pot line primary control system plus measurements of emissions from the roof monitor and other points of emission to the atmosphere. Calculated emissions to the pot rooms from the reduction cells based on hooding efficiency determined for gaseous fluoride may be substituted for roof monitor emission measurements in determining compliance with the regulation.

(d) **Gaseous emissions:** Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(f) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

(2) Each primary aluminum plant shall furnish, upon request of the department, such other data as the department may require to evaluate the plant's emissions or emission control program.

(3) **Abnormal operations or upset conditions.**

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be

anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

(i) The incident was reported as required; and

(ii) Complete details were furnished the department or agency; and

(iii) Appropriate remedial steps have been taken; and

(iv) The incident was unavoidable.

(c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(c) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

(4) Emission inventory. The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, fluorides, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

REPEALER

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

- | | | |
|-----|----------------------|---|
| (1) | <u>WAC 18-52-050</u> | COMPLIANCE. |
| (2) | <u>WAC 18-52-076</u> | REPORT OF STARTUP, SHUTDOWN, BREAK-DOWN OR UPSET CONDITION. |

(3) WAC 18-52-091 NOTICE OF
CONSTRUCTION.WSR 80-02-012
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order DE 80-4—Filed January 7, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to kraft pulping mills, amending chapter 173-405 WAC.

I, Wilbur G. Hallauer, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an explicit policy of the Washington Clean Air Act is to secure and maintain such levels of air quality as will comply with the Federal Clean Air Act. For over a decade the state and regional entities have been engaged in a comprehensive program which seeks to retain the conduct of air pollution control on a local level while conforming to national objectives. The major instrument of this program is a plan which implements federal requirements within the framework of state law.

In 1977 the Federal Clean Air Act was amended substantially to require, among other things, the revision of each State Implementation Plan (SIP) for those areas currently violating national ambient air quality standards. Pursuant to these amendments, areas of non-attainment in Washington State were designated and SIP revisions for these non-attainment areas were developed by the Department of Ecology (DOE).

The revised SIP was submitted to the United States Environmental Protection Agency (EPA) for review on April 27, 1979. Under the Federal Act, EPA must approve a SIP before its provisions can operate to satisfy federal law. Disapprove portions of a SIP can be brought into conformity with the federal requirements only by state modifications of the SIP satisfactory to EPA or by direct promulgation of SIP provisions by EPA itself.

On November 9, 1979, EPA published its proposed response to the revised Washington SIP at 44 Federal Register 65084-65093. EPA there proposed to approve or conditionally approve the Washington SIP in numerous respects, but proposed to disapprove the SIP insofar as it relates to new source review for kraft pulp mills, sulfite pulp mills and primary aluminum plants.

Detailed permit requirements are mandated by federal law for major sources within such categories whenever construction of a new source or modification of an existing source is proposed. Although DOE has communicated its intention to pursue general rule making to bring review of these sources into conformity with federal requirements, the rule-making process will not be completed until sometime in the Spring of 1980.

However, the federal decision on disapproval can occur anytime after January 10, 1980. The effect of a disapproval, as a matter of federal law, is to prevent any construction which would modify a major kraft mill, sulfite mill, or primary aluminum plant in any non-attainment area for a primary national ambient air quality standard for as long as the disapproval lasts.

Certain time constraints limit both EPA and DOE in terms of how quickly a disapproval can be corrected. While such a situation exists, a construction moratorium for affected sources is in force.

DOE has concluded that it is unfair for such a moratorium to exist owing solely to the problems of governmental entities in completing a complex and protracted process of cooperative law-making. The shortest time span within which this governmentally-induced moratorium can be removed is through adopting emergency regulations conforming to federal requirements, in an effort to avoid a disapproval by EPA of the relevant portions of the SIP. If the proposed disapproval can thereby be converted to a proposal for approval, the moratorium can be ended in the shortest time.

Additionally, such emergency regulations can form the basis for the processing of permit applications during the time the moratorium is in effect.

These rules are adopted, then, in response to the situation described. The emergency exists in the existence of a moratorium until the SIP can be approved. Sources which might satisfy measures for air pollution control to be required cannot build until those requirements are formally a part of an approved SIP. This imposes hardships beyond the control of affected sources in terms of planning and financing and, this is DOE's view, justifies the adoption of these rules without observance of the customary notice and hearing procedures.

At the same time, DOE intends to engage in general rule-making, with notice and hearing, for kraft mills, sulfite mills and primary aluminum plants, so that before any rules relating to new source review for these sources are adopted on other than a temporary basis, all interested persons will have an opportunity to be heard on what their final form ought to be.

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

This rule is promulgated pursuant to RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 7, 1980.

By Wilbur G. Hallauer
Director

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than a

normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

((††)) (2) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards set forth in 40 C.F.R. part 60 and part 61.

(ii) The applicable state implementation plan emission limitation, or

(iii) The emission rate specified as a permit condition.

(4) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. For the purposes of this chapter, the requirement of RCW 70.94-.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(5) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

((††)) (6) "Continual monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(7) "Department" means the state of Washington department of ecology.

((††)) (8) "Emission" means a release into the outdoor atmosphere of air contaminants.

((††)) (9) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

((††)) (10) "Equivalent air-dried kraft pulp" means unbleached pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

((††) "Department" means the State of Washington Department of Ecology.)

(11) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(12) "Fugitive emission" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

((††)) (13) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

((††)) (14) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers.

(15) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitation is not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(16) "Major source" means any source which has potential emissions exceeding one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons.

(17) "Major modification" means an addition, alteration or other change in a source which will increase

potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(18) "New source" means a source which commenced construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(19) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+9)) (20) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

((+0)) (21) "Opacity" means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+1)) (22) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

((+2)) (23) "Particulate matter" means a small, discrete mass of solid or liquid matter, but not including uncombined water.

((+3)) (24) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

(25) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential rate of a source.

(26) "Reasonably available control technology (RACT)" means the lowest emission limit that a kraft mill is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual mill taking into account the impact of the source upon air quality, the availability of additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT

requirements for kraft mills may be adopted as an order or regulation after public hearing.

((+4)) (27) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

((+5)) (28) "Standard condition" means a temperature of 60°F. and a pressure of 29.92 inches of mercury.

((+6)) (29) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(30) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

NEW SECTION

WAC 173-405-033 STANDARDS OF PERFORMANCE. For kraft mills which commenced construction after September 24, 1976, Title 40, code of federal regulations part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to November 1, 1979 is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department.

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-071 MONITORING AND REPORTING. (1) Every kraft mill in the state shall install equipment for the continual monitoring of TRS.

(a) The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continual sampling and recording of the concentration of TRS contaminants during a time interval not greater than thirty minutes.

(b) The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

(2) Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its approved sampling program.

(3) Each mill shall submit within sixty days after the effective date of this regulation a detailed monitoring program and time schedule for approval by the department. The equipment shall be ordered within thirty days after the monitoring program has been approved in writing by the department. The equipment shall be placed in effective operation in accordance with the approved program within ninety days after delivery.

(4) Unless otherwise authorized by the department, data shall be reported by each kraft mill at the end of each calendar month as follows:

(a) Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.

(b) The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds

seventeen and one-half p.p.m. dry and the maximum concentration of TRS measured each day.

(c) Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.

(d) Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program.

(e) Average daily equivalent kraft pulp production in unbleached air-dried tons.

(f) Other emission data as specified in the approved monitoring program.

(g) For each lime kiln stack.

(i) The daily average concentration of TRS gases from each lime kiln stack.

(ii) The number of hours each day that the concentration of TRS gases exceeds ~~((80))~~ eighty p.p.m. The hourly average concentration for each hour when the concentration is in excess of ~~((80))~~ eighty p.p.m. and the maximum concentration of TRS measured at each stack.

(5) Each kraft mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emissions or emission control program.

(6) Each mill shall be required to establish a program, approved by the department, for continuous opacity monitoring to demonstrate compliance with WAC 173-405-036(6) and to report the results to the department in a format and on a schedule set by regulatory order.

If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

(7) Abnormal operations or upset conditions.

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

(i) The incident was reported as required;

(ii) Complete details were furnished the department or agency;

(iii) Appropriate remedial steps have been taken; and

(iv) The incident was unavoidable.

(c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

(8) Emission inventory. The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-405-076 REPORT OF STARTUP, SHUTDOWN, BREAK-DOWN OR UPSET CONDITION.

NEW SECTION

WAC 173-405-086 NEW SOURCE REVIEW.

(1) Whenever the construction, installation or establishment of a new kraft pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement or alteration of any process or source, other than the replacement of air pollution control equipment as

covered in subsection 2(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source, and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emission of the contaminants for which nonattainment has been designated except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total

allowable emissions from existing sources at the time the application for approval was filed, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-405-081(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through 4(h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (4)(a), (4)(b), and where applicable, (4)(c) through 4(h) of this section in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulation in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-405-081 NOTICE OF CONSTRUCTION.

WSR 80-02-013
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-5—Filed January 7, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to sulfite pulping mills, amending chapter 173-410 WAC.

I, Wilbur G. Hallauer, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an explicit policy of the Washington Clean Air Act is to secure and maintain such levels of air quality as will comply with the Federal Clean Air Act. For over a decade the state and regional entities have been engaged in a comprehensive program which seeks to retain the conduct of air pollution control on a local level while conforming to national objectives. The major instrument of this program is a plan which implements federal requirements within the framework of state law.

In 1977 the Federal Clean Air Act was amended substantially to require, among other things, the revision of each State Implementation Plan (SIP) for those areas currently violating national ambient air quality standards. Pursuant to these amendments, areas of non-attainment in Washington State were designated and SIP revisions for these non-attainment areas were developed by the Department of Ecology (DOE).

The revised SIP was submitted to the United States Environmental Protection Agency (EPA) for review on April 27, 1979. Under the Federal Act, EPA must approve a SIP before its provisions can operate to satisfy federal law. Disapproved portions of a SIP can be brought into conformity with the federal requirements only by state modifications of the SIP satisfactory to EPA or by direct promulgation of SIP provisions by EPA itself.

On November 9, 1979, EPA published its proposed response to the revised Washington SIP at 44 Federal Register 65084-65093. EPA there proposed to approve or conditionally approve the Washington SIP in numerous respects, but proposed to disapprove the SIP insofar as it relates to new source review for kraft pulp mills, sulfite pulp mills and primary aluminum plants.

Detailed permit requirements are mandated by federal law for major sources within such categories whenever construction of a new source or modification of an existing source is proposed. Although DOE has communicated its intention to pursue general rule making to bring review of these sources into conformity with federal requirements, the rule-making process will not be completed until sometime in the Spring of 1980.

However, the federal decision on disapproval can occur anytime after January 10, 1980. The effect of a disapproval, as a matter of federal law, is to prevent any construction which would modify a major kraft mill,

sulfite mill, or primary aluminum plant in any non-attainment area for a primary national ambient air quality standard for as long as the disapproval lasts.

Certain time constraints limit both EPA and DOE in terms of how quickly a disapproval can be corrected. While such a situation exists, a construction moratorium for affected sources is in force.

DOE has concluded that it is unfair for such a moratorium to exist owing solely to the problems of governmental entities in completing a complex and protracted process of cooperative law-making. The shortest time span within which this governmentally-induced moratorium can be removed is through adopting emergency regulations conforming to federal requirements, in an effort to avoid a disapproval by EPA of the relevant portions of the SIP. If the proposed disapproval can thereby be converted to a proposal for approval, the moratorium can be ended in the shortest time.

Additionally, such emergency regulations can form the basis for the processing of permit applications during the time the moratorium is in effect.

These rules are adopted, then, in response to the situation described. The emergency exists in the existence of a moratorium until the SIP can be approved. Sources which might satisfy measures for air pollution control to be required cannot build until those requirements are formally a part of an approved SIP. This imposes hardships beyond the control of affected sources in terms of planning and financing and, this in DOE's view, justifies the adoption of these rules without observance of the customary notice and hearing procedures.

At the same time, DOE intends to engage in general rule-making, with notice and hearing, for kraft mills, sulfite mills and primary aluminum plants, so that before any rules relating to new source review for these sources are adopted on other than a temporary basis, all interested persons will have an opportunity to be heard on what their final form ought to be.

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

This rule is promulgated pursuant to RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 7, 1980.

By Wilbur G. Hallauer
 Director

AMENDATORY SECTION (Amending Order DE 76-36, filed 12/28/76)

WAC 173-410-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

((+))(2) "Acid plant" ((=)) means the facility in which the cooking liquor is either manufactured or forfeited when not associated with a recovery system.

((+))(3) "Air quality standard" ((=)) means an established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

((+))(4) "Air contaminant" ((=)) means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 C.F.R. part 60 and 61.

(ii) The applicable state implementation plan emission limitation.

(iii) The emission rate specified as a permit condition.

((+))(6) "Ambient air" ((=)) means the surrounding outside air.

((+))(7) "Average daily emission" ((=)) means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

((+))(8) "Average daily production" ((=)) means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(9) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. For the purposes of this chapter the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

((+))(10) "Blow system" ((=)) includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(11) "Commenced construction" means that a owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

((+))(12) "Continual monitoring" ((=)) means sampling and analysis in a continuous or time sequence, using techniques which will adequately reflect actual emission levels, ambient air levels or concentrations on a continuous basis.

((+))(13) "Department" ((=)) means the state of Washington department of ecology.

((+))(14) "Director" ((=)) means the director of the department of ecology or his authorized representative.

((+))(15) "Emission" ((=)) means a release into the outdoor atmosphere of air contaminants.

((+))(16) "Emission standard" ((=)) means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

(17) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(18) "Fugitive emission" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

((+))(19) "Fugitive particulate" ((=)) means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(20) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(21) "Major source" means any source which has a potential emission limit of one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(22) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(23) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(26) "Opacity" ((=)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

(27) "Other sources" ((=)) means sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling on condensate liquids, or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those included in the emission standard limitations in WAC 173-410-031.

(28) "p.p.m." (parts per million) ((=)) means parts of a contaminant per million parts of gas by volume.

(29) "Primary air mass station" ((=)) means a type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(30) "Primary ground level monitoring station" ((=)) means stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be ten to fifteen feet above ground level with a desired optimum height of twelve feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(31) "Particulate matter" ((=)) means a small discrete mass of solid or liquid matter, but not including uncombined water.

(32) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(33) "Recovery system" ((=)) means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

(34) "Standard Conditions" = A temperature of 60° F. and a pressure of 29.92 inches of mercury.)

(35) "Special station" ((=)) means any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(36) "Standard conditions" means a temperature of 60° F. and a pressure of 29.92 inches of mercury.

(37) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers.

(38) "Sulfur oxides" ((=)) means sulfur dioxide, sulfur trioxide and other sulfur oxides.

(39) "Total reduced sulfur (TRS)" ((=)) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

(40) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

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 173-410-033 STANDARDS OF PERFORMANCE. For sulfite pulping mills or modifications which commenced construction after September 24, 1976, Title 40, code of federal regulations part 60, subparts A, and BB and appendix A, B, C, and D as promulgated prior to November 1, 1979 is by this reference adopted and incorporated herein with the exception of section 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department.

AMENDATORY SECTION (Amending Order DE 76-36, filed 12/28/76)

WAC 173-410-066 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN, OR UPSET CONDITION. ((If a startup, shutdown, breakdown or upset condition occurs which could reasonably be expected to result in emissions in excess of applicable limits set by this regulation, regulatory order or variance, or which could result in a violation of ambient air standards, the sulfite pulping mill shall take immediate corrective action and shall report such condition to the Department or its delegated agent promptly after the condition occurs.))

(1) Abnormal operation or upset conditions.

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

(i) The incident was reported as required;

(ii) Complete details were furnished the department or agency;

(iii) Appropriate remedial steps have been taken; and

(iv) The incident was unavoidable.

(c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

NEW SECTIONWAC 173-410-071 EMISSION INVENTORY.

The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution

control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfure content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-410-081 NOTICE OF CONSTRUCTION.NEW SECTIONWAC 173-410-086 NEW SOURCE REVIEW.

(1) Whenever the construction, installation or establishment of a new sulfite pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in subsection (2)(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications, and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice of construction and plans, specifications, and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour, or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph 11.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour,

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph 11.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) BACT, LAER, and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-410-086(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

WSR 80-02-014

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-1—Filed January 7, 1980]

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 analyses of tag recovery data indicate a harvestable surplus of chum in the Nisqually River; a harvestable surplus of Nisqually chum exists in Area 13; chum salmon are no longer present in the Quilcene River.

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

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

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

APPROVED AND ADOPTED January 7, 1980.

By Gordon Sandison
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-012G0A CLOSED AREA (79-123)
WAC 220-28-01300P CLOSED AREA (79-142)
WAC 220-28-013G0F CLOSED AREA (79-123)

WSR 80-02-015

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Filed January 8, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.30.150, that the Board of Natural Resources, Department of Natural Resources intends to adopt, amend, or repeal rules concerning management of state-owned aquatic lands under the jurisdiction of the Department of Natural Resources;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, February 5, 1980, in the Commissioner of Public Lands Office, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to January 11, 1980.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071 and 79-11-137 filed with the code reviser's office on September 19, 1979 and November 7, 1979.

Dated: January 8, 1980

By: Bert L. Cole
Commissioner of Public Lands
Secretary, Board of Natural Resources

WSR 80-02-016

BOARD ON GEOGRAPHIC NAMES

[Order 74-1—Filed January 9, 1980]

DETERMINATION OF GEOGRAPHIC NAMES

BEEHIVE, THE: peak, elevation 3,353 m. (11,000 ft.) in Mt. Rainier National Park, on Cowlitz Cleaver on SE slope of Mt. Rainier; Pierce Co., Wa.; 46°50'18" N, 121°44'14" W. Approved by State Board 12/77; U.S. Board 1/78.

BLAZER CREEK: stream, 1.6 km. (1 mi.) long, heads at 47°00'23" N, 123°57'12" W, flows SSW to Little Hoquiam River 5.6 km. (3.5 mi.) W of Hoquiam; named for the "Blazers," a 4-H club which assisted the Department of Fisheries in building a salmon spawning bed on this stream; Grays Harbor Co., Wa.; sec. 5, T 17 N, R 10 W, W.M.; 46°59'29" N, 123°57'41" W. Approved by State Board 3/78; U.S. Board 7/78.

BURPING BROOK: short perennial stream, heading in the SW 1/4 of sec. 16, T 28 N, R 45 E, then flowing generally S to a confluence with Deadman Creek in the NE 1/4 of sec. 28, T 28 N, R 45 E; Spokane Co., Wa.; 47°53'11" N, 117°07'47" W; 47°55'05" N, 117°07'20" W. Approved by State Board 9/76; U.S. Board 4/77.

CAMP MUIR: locality, in Mt. Rainier National Park, on Cowlitz Cleaver between Cowlitz Glacier and Muir Snowfield on SE slope of Mt. Rainier; Pierce Co., Wa.; 46°50'08" N, 121°43'55" W. Approved by State Board 12/77; U.S. Board 1/78.

CORKSCREW CANYON: canyon, beginning in sec. 3, T 27 N, R 40 E, W.M., running generally SW into sec. 9, T 27 N, R 40 E, about 2.5 miles; Stevens Co., Wa.; 47°51'18" N, 117°46'15" W (mouth); 47°52'04" N, 117°44'24" W (heading). Approved by State Board 9/76; U.S. Board 4/77.

COTTLERS ROCK: rock, 2.2 km. (1.4 mi.) S of Morton; locally named for Pius Cottler (died 1930), German immigrant who in 1893 was one of the first to patent land in what is now part of Morton, and whose original home was located beneath this rock; Lewis Co., Wa.; sec. 11, T 12 N, R 4 E, W.M.; 46°32'15" N, 122°16'15" W. Approved by State Board 6/76; U.S. Board 2/77.

DELANCY RIDGE: ridge, 6.7 km. (4.2 mi.) long, 7.5 km. (4.7 mi.) N of Silver Star Mtn.; Okanogan Co., Wa.; 48°36'27" N, 120°37'00" W (W end), 48°36'54" N, 120°32'00" W (E end). Approved by State Board 12/77; U.S. Board 1/78.

DRAGOON CREEK, WEST BRANCH: stream, 17.7 km. (11 mi.) long, heads at 48°00'25" N, 117°38'30" W, flows SE to Dragoon Creek 4.8 km. (3 mi.) SSW of Deer Park; Spokane and Stevens Co., Wa.; sec. 22, T 28 N, R 42 E, W.M.; 47°54'56" N, 117°29'46" W. Approved by State Board 9/76; U.S. Board 4/77.

EAST CRATER: crater, 0.48 km. (0.3 mi.) across, in Mt. Rainier National Park, at summit of Mt. Rainier, E of West Crater; Pierce Co., Wa.; 46°51'07" N,

121°45'25" W. Approved by State Board 12/77; U.S. Board 1/78.

ENCHANTED ISLAND: island, located in N end of Spanaway Lake, 9.3 acres in size, approx, 1/2 mi. E of the E boundary of McChord Air Force Base; 47°07'04" N, 122°27'05" W; Pierce Co., Wa.; sec. 30, T 19 N, R 3 E, W.M.; 47°06'55" N, 122°26'49" W. Approved by State Board 12/76; U.S. Board 4/77.

FIVEMILE CREEK: stream 8.1 km. (5 mi.) long, heads at 45°42'12" N, 121°07'12" W, flows S to Horsethief Lake 8.1 km. (5 mi.) NE of The Dalles, Oregon; Klickitat Co., Wa.; sec. 19, T 2 N, R 14 E, W.M.; 45°38'52" N, 121°06'33" W. Approved by State Board 3/77; U.S. Board 4/77.

FRANCIS, POINT: point of land, on the southern portion of Portage Island 19.3 km. (12 mi.) N of Anacortes; Whatcom Co., Wa.; sec. 13, T 37 N, R 1 E, and sec. 18, T 37 N, R 2 E, W.M.; 48°41'40" N, 122°36'55" W. Approved by State Board 3/77; U.S. Board 4/77.

FUDGE POINT: point of land, on the E coast of Hartstene Island 8.1 km. (5 mi.) NW of Longbrach; Mason Co., Wa.; sec. 7, T 20 N, R 2 W, W.M.; 47°14'07" N, 122°51'20" W. Approved by State Board 9/76; U.S. Board 6/77.

FUHRER FINGER: ravine, 0.64 km. (0.4 mi.) long, in Mt. Rainier National Park, trends S from Nisqually Icefall to Wilson Glacier along W side of Wilson Cleaver; named for Hans Fuhrer, guide who is reported to have led its first ascent on July 2, 1920; Pierce Co., Wa.; 46°50'12" N, 121°45'12" W (N end); 46°49'48" N, 121°45'05" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

FUHRER THUMB: ravine, 0.32 km. (0.2 mi.) long, in Mt. Rainier National Park, trends S to Wilson Glacier between Wilson and Wapowety Cleavers on S slope of Mt. Rainier; Pierce Co., Wa.; 46°50'06" N, 121°45'17" W (N end); 46°49'59" N, 121°45'18" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

GEORGE PETERSON BUTTE: butte, elevation 1,440 m. (4,723 ft.) at the SE end of Twin Sisters Mountain, 15.3 km. (9.5 mi.) NE of Hamilton; named for George Peterson (Danchu Petcoff) 1892-1945, French-Russian parentage, immigrated to the United States in 1903 and about 1927 he was responsible for the discovery of the largest chrome and magnesium deposits in North America; Skagit and Whatcom Co., Wa.; 48°38'45" N, 121°54'04" W. Approved by State Board 3/77; U.S. Board 5/77.

GIBRALTAR CHUTE: snow field, 0.48 km. (0.3 mi.) long, in ravine on S slope of Mt. Rainier, in Mt. Rainier National Park, heads at 46°50'37" N, 121°44'37" W, trends S to Nisqually Cirque along W slope of Cowlitz Cleaver; Pierce Co., Wa.; 46°50'25" N, 121°44'36" W. Approved by State Board 12/77; U.S. Board 1/78.

HAL FOSS PEAK: peak, elevation 2,164 m. (7,100 ft.) partly in Olympic National Park, 2.4 km. (1.5 mi.) SE of Mt. Deception; named for Harold Alfred Foss (1922-

1974), Assistant Director, Search and Rescue Coordinator for the Washington State Department of Emergency Services, who was instrumental in the forming of the National Search and Rescue Coordinators Association; Jefferson Co., Wa.; 47°47'58" N, 123°12'28" W. Approved by State Board 3/77; U.S. Board 7/77.

HARRIS MOUNTAIN: mountain, elevation 739 m. (2,424 ft.), 3.2 km. (2 mi.) SSE of Leader Mtn. and 5.1 km. (3.2 mi.) SW of Okanogan; Okanogan Co., Wa.; sec. 23, T 33 N, R 25 E, W.M.; 48°20'38" N, 119°39'04" W. Approved by State Board 6/78; U.S. Board did not approve.

HAYES LAKE: lake, 0.2 km. (0.1 mi.) long, in Centralia; named for Tom Hayes (?-1964); who lived and operated a business on the land which is not inundated by the lake; Lewis Co., Wa.; sec. 6, T 14 N, R 2 W, W.M.; 46°43'23" N, 122°58'20" W. Approved by State Board 6/77; U.S. Board 10/77.

JONES BAY: bay, 0.8 km. (0.5 mi.) long, and 0.5 km. (0.3 mi.) across, on Franklin D. Roosevelt Lake 20.9 km. (13 mi.) NE of Wilbur; Lincoln Co.; sec. 18, T 28 N, R 34 E, W.M.; 47°55'20" N, 118°34'55" W. Approved by State Board 6/78; U.S. Board

KAUTZ CHUTE: snowfield, 0.48 km. (0.3 mi.) long in Mt. Rainier National Park, on E side of Kautz Glacier on S slope of Mt. Rainier; Pierce Co., Wa.; 46°50'16" N, 121°45'42" W, trends SW to Kautz Glacier; 46°50'08" N, 121°45'50" W. Approved by State Board 12/77; U.S. Board 1/78.

KAUTZ ICE CLIFF: ice cliff, 0.32 km. (0.2 mi.) long in Mt. Rainier National Park, on E side of Kautz Glacier on S slope of Mt. Rainier; Pierce Co., Wa.; 46°50'12" N, 121°45'34" W. Approved by State Board 12/77; U.S. Board 1/78.

KIT CARSON, MOUNT: peak, elevation 1,610 m. (5,282 ft.), 1.6 km. (1 mi.) SW of Mount Spokane and 34 km. (21 mi.) NNE of Spokane; Spokane Co., Wa.; secs. 17 and 20, T 28 N, R 45 E, W.M.; 47°55'02" N, 117°08'27" W. Approved by State Board 6/76; U.S. Board 4/77.

LEADER MOUNTAIN: mountain, elevation 987 m. (3,237 ft.), 3.2 km. (2 mi.) SE of Reed Mountain and 5.1 km. (3.2 mi.) W of Okanogan; Okanogan Co., Wa.; secs. 11 and 14, T 33 N, R 25 E, W.M.; 48°21'55" N, 119°39'38" W. Approved by State Board 6/78; U.S. Board

LINDER RIDGE: ridge, 1.9 km. (1.2 mi.) long, on SE slope of Mount Spokane 34 km. (21 mi.) NE of Spokane; Spokane Co., Wa.; secs. 22, 27, 34, and 35, T 28 N, R 45 E, W.M.; 47°54'15" N, 117°06'00" W (NW end), 47°53'15" N, 117°05'15" W (SE end). Approved by State Board 3/76; U.S. Board 4/77.

LITTLE AFRICA: ridge, elevation 2,650 m. (8,695 ft.), 0.48 km. (0.3 mi.) long, in Mt. Rainier National Park, trends S between Muir Snowfield and N portion of Paradise Glaciers on S slope of Mt. Rainier; Pierce Co., Wa.; 46°49'26" N, 121°43'29" W (N end); 46°49'18"

N, 121°43'23" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

LITTLE DEER CREEK: stream, 9.7 km. (6 mi.) long, heads at 47°55'15" N, 117°08'50" W, flows W to Deer Creek 29 km. (18 mi.) NNE of Spokane; Spokane Co., Wa.; sec. 20, T 28 N, R 44 E, W.M.; 47°54'48" N, 117°15'50" W. Approved by State Board 6/76; U.S. Board 4/77.

LOOKOUT HILL: hill, elevation 210 m. (690 ft.), 1.6 km. (1 mi.) E of Eastsound; San Juan Co., Wa.; secs. 15 and 22, T 37 N, R 2 W, W.M.; 48°41'24" N, 122°55'37" W. Approved by State Board 3/77; U.S. Board 4/77.

MERCER ISLAND: populated place (incorporated city), on Mercer Island 11.3 km. (7 mi.) SE of Seattle; former incorporated Town of Mercer Island merged with the City of Mercer Island in July 1970; King Co., Wa.; T 24 N, Rgs. 4 and 5 E, W.M.; 47°34'15" N, 122°13'15" W. Approved by State Board 12/77; U.S. Board 1/78.

MOON ROCKS: ridge, 0.4 km. (0.25 mi.) long, in Mt. Rainier National Park, trends SW at N end of Paradise Glaciers on SE slope of Mt. Rainier; Pierce Co.; 46°49'42" N, 121°43'30" W (N end), 46°49'30" N, 121°43'40" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

MOSES LAKE: populated place (incorporated city), 29 km. (18 mi.) SE of Ephrata; former incorporated Town of Westlake merged with Moses Lake in July 1972; Grant Co., Wa.; Tps. 18 and 19 N, R 28 E, W.M.; 47°07'45" N, 119°16'30" W. Approved by State Board 12/77; U.S. Board 1/78.

MC LEOD MOUNTAIN: peak, elevation 2,469 m. (8,099 ft.) 12.9 km. (8 mi.) N of Mazama; named for Angus McLeod (?-1928), an early settler in nearby Methow Valley; Okanogan Co., Wa.; 48°42'13" N, 120°22'58" W. Approved by State Board 12/77; U.S. Board 1/78.

NISQUALLY CIRQUE: cirque, 0.48 km. (0.3 mi.) across, in Mt. Rainier National Park, on SE slope of Mt. Rainier between Cowlitz and Nisqually Cleavers, Pierce Co., Wa.; 46°50'12" N, 121°44'30" W. Approved by State Board 12/77; U.S. Board 1/78.

NISQUALLY ICE CLIFF: ice cliff, elevation 3,650 m. (11,975 ft.) in Mt. Rainier National Park, trends SW from Gibraltar Rock to Nisqually Cleaver on the SE slope of Mt. Rainier; Pierce Co., Wa.; 46°50'36" N, 121°44'49" W. Approved by State Board 12/77; U.S. Board 1/78.

NISQUALLY ICEFALL: icefall, 1.1 km. (0.7 mi.) long, in Mt. Rainier National Park, trends SE along Nisqually Glacier along W side of Nisqually Cleaver on S slope of Mt. Rainier; Pierce Co., Wa.; 46°50'15" N, 121°45'00" W. Approved by State Board 12/77; U.S. Board 1/78.

PICNIC ISLAND: island, 0.16 km. (0.1 mi.) long, in West Sound 8.6 km. (5.3 mi.) SW of the village of

Eastsound; San Juan Co., Wa.; sec. 9, T 36 N, R 2 W, W.M.; 48°37'42" N, 122°57'25" W. Approved by State Board 3/77; U.S. Board 4/77.

PORTAGE ISLAND: island, 3.2 km. (2 mi.) wide, between Bellingham Bay and Hale Passage, Whatcom Co., Wa.; sec. 11, 12 and 13, T 37 N, R 1 E, and secs. 7 and 18, T 37 N, R 2 E, W.M.; 48°42'00" N, 122°37'15" W. Approved by State Board 3/77; U.S. Board 4/77.

POTHOLE, THE: basin, at the head of Pothole Canyon, 16.1 km. (10 mi.) NE of Okanogan; Okanogan Co.; secs. 3 and 10, T 34 N, R 27 E, W.M.; 48°28'00" N, 119°25'25" W. Approved by State Board 6/78; U.S. Board 10/78.

POTHOLE CANYON: canyon, 2.4 km. (1.5 mi.) long, heads at 48°28'05" N, 119°25'25" W, trends SW to Okanogan River valley 7.2 km. (4.5 mi.) NE of Omak; Okanogan Co.; sec. 17, T 34 N, R 27 E, W.M.; 48°26'50" N, 119°27'10" W. Approved by State Board 6/78; U.S. Board 10/78.

RAHM, MOUNT: peak, elevation 2,584 m. (8,478 ft.), in North Cascades National Park, 3.2 km. (2 mi.) NNE of Mount Spickard; named for Dr. David Allen Rahm (1931-1976), author and professor who published and lectured about the geology of the surrounding area; Whatcom Co., Wa.; 48°59'50" N, 121°13'39" W. Approved by State Board 3/77; U.S. Board 7/77.

RED SALMON CREEK: stream, 3.2 km. (2 mi.) long, heads at 47°04'53" N, 122°41'00" W, flows N to Puget Sound 16 km. (10 mi.) NE of Olympia; Pierce Co., Wa.; sec. 28, T 19 N, R 1 E, W.M.; 47°05'58" N, 122°41'00" W. Approved by State Board 9/76; U.S. Board

REED MOUNTAIN: mountain, elevation 1,266 m. (4,153 ft.), 7.7 km. (4.8 mi.) NW of Okanogan; Okanogan Co., Wa.; secs. 3 and 4, T 33 N, R 25 E, W.M.; 48°23'10" N, 119°41'18" W. Approved by State Board 6/78; U.S. Board 10/78.

REGISTER ROCK: rock, in Mt. Rainier National Park on inner side of NW rim of East Crater on Mt. Rainier; summit registers are kept at this point by mountaineering organizations and the National Park Service; Pierce Co., Wa.; 46°51'13" N, 121°45'29" W. Approved by State Board 12/77; U.S. Board 1/78.

ROSA BUTTE: butte, elevation 837 m. (2,746 ft), 11.3 km. (7 mi.) S of Spokane; named for Rosa Brown Henningsen (1883-1977), the first white child born in the area; Spokane Co., Wa.; sec. 5, T 23 N, and sec. 32, T 24 N, R 43 E, W.M.; 47°31'20" N, 117°24'04" W. Approved by State Board 6/77; U.S. Board 10/77.

SILVAS CREEK: stream, 9.7 km. (6 mi.) long, heads at 45°46'37" N, 121°17'05" W, flows S to Klickitat River 16.9 km. (10.5 mi.) E of White Salmon; named for Joe Silva, homesteader who settled along this stream; Klickitat Co., Wa.; sec. 26, T 3 N, R 12 E, W.M.; 45°42'41" N, 121°15'55" W. Approved by State Board 3/78; U.S. Board 8/78.

SMUGGLERS COVE: cove, 0.32 km. (0.2 mi.) wide, on the E side of Lummi Island 10.5 km. (6.5 mi.) SW of Bellingham; cove was used for smuggling Chinese and liquor; Whatcom Co., Wa.; sec. 24, T 37 N, R 1 E, W.M.; 48°40'45" N, 122°37'35" W. Approved by State Board 3/77; U.S. Board 4/77.

SUGARLOAF, THE: ridge, 0.48 km. (0.3 mi.) long, in Mt. Rainier National Park, trends S along W side of Paradise Glaciers on SE slope of Mt. Rainier; Pierce Co., Wa.; 46°48'56" N, 121°43'18" W (N end), 46°48'45" N, 121°43'15" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

SWEETGRASS RIDGE: ridge, 6.4 km. (4 mi.) long, 8 km. (5 mi.) NE of Silver Star Mountain; Okanogan Co.; 48°41'40" N, 120°19'00" W (N end), 48°38'30" N, 120°18'25" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

THREEMILE CREEK: stream, 6.9 km. (4.3 mi.) long, heads at 45°41'02" N, 121°09'05" W. flows S to Spearfish Lake 4.8 km. (3 mi.) NE of The Dalles, Oregon; Klickitat Co., Wa.; sec. 26, T 2 N, R 13 E, W.M.; 45°37'46" N, 121°08'05" W. Approved by State Board 6/77; U.S. Board 4/77.

TUMWATER CREEK: stream, 9.7 km. (6 mi.) long, heads at 48°09'15" N, 119°29'25" W, flows S to Columbia River 19.3 km. (12 mi.) NE of Bridgeport; Okanogan Co., Wa.; sec. 20, T 30 N, R 27 E, W.M.; 48°04'48" N, 119°27'35" W. Approved by State Board 6/78; U.S. Board 10/78.

TURTLE, THE: snowfield, 0.48 km. (0.3 mi.) long in Mt. Rainier National Park, trends NNW from Wilson Glacier on S slope of Mt. Rainier; Pierce Co., Wa.; 46°49'55" N, 121°45'36" W (N end); 46°49'40" N, 121°45'25" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

VASILIKI RIDGE: ridge, 4.8 km. (3 mi.) long, NE of Silver Star Mtn.; Okanogan Co., Wa.; 48°35'15" N, 120°35'30" W (N end); 48°33'00" N, 120°35'15" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

VERADALE: populated place, 16.1 km. (10 mi.) E of Spokane; originally called Vera, a post office name in 1911, in honor of Miss Vera McDonald, whose father reportedly helped plat the district that year; post office name changed to Veradale in 1923; Spokane Co., Wa.; secs. 12 and 13, T 25 N, R 44 E, W.M.; 47°39'25" N, 117°11'15" W. Approved by State Board 9/76; U.S. Board 4/77.

WANACUT CREEK: stream, 13.7 km. (8.5 mi.) long, heads at 48°28'20" N, 119°19'50" W, flows SW to the Okanogan River 4.8 km. (3 mi.) NE of Omak; named for George Wanacut (1873-1947), Indian who lived along the upper portion of this feature; Okanogan Co.; sec. 20, T 34 N, R 27 E, W.M.; 48°25'54" N, 119°28'08" W. Approved by State Board 6/78; U.S. Board 3/79.

WAPOWETY CLEAVER: ridge, 2.1 km. (1.3 mi.) long in Mt. Rainier National Park, trends SSW from Camp Hazard between Kautz Glacier on the W and Wilson

and Van Trump Glaciers on the E, on the S slope of Mt. Rainier; named for the Indian guide of Lieutenant A.V. Kautz during an attempt to ascend the mountain in 1857; Pierce Co., Wa.; 46°50'10" N, 121°45'30" N (N end), 46°48'52" N, 121°46'40" W (S end). Approved by State Board 12/77; U.S. Board 5/78.

WAUNCH PRAIRIE: grassland, 3.2 km. (2 mi.) long, in the Skookumchuck River Valley N of Centralia; named for George Waunch, who immigrated to the U.S. in 1820 from Wurtemberg, Germany, first settled in Missouri, then moved to Washington in 1845 and became the first settler in the Centralia area; Lewis Co., Wa.; 46°45'20" N, 122°56'45" W (N end); 46°44'00" N, 122°57'30" W (S end). Approved by State Board 6/78; U.S. Board 7/78.

WEST CRATER: crater, 0.4 km. (0.25 mi.) long in Mt. Rainier National Park, on W portion of summit of Mt. Rainier; Pierce Co.; 46°51'09" N, 121°45'37" W. Approved by State Board 12/77; U.S. Board 1/78.

WILLIAM POINT: point of land, 0.81 km. (0.5 mi.) long, on the NW end of Samish Island 8.9 km. (5.5 mi.) NE of Anacortes; named in 1792 by Joseph Whidbey of the Vancouver expedition for Sir William Bellingham; Skagit Co., Wa.; secs. 27 and 28, T 36 N, R 2 E, W.M.; 48°35'20" N, 122°33'12" W (NE end), 48°34'58" N, 122°33'32" W (SW end). Approved by State Board 3/77; U.S. Board 4/77.

WILSON CLEAVER: ridge, 1.3 km. (0.8 mi.) long, in Mt. Rainier National Park, trends SSE between Nisqually Glacier on the E and Fuhrer Finger and Wilson Glacier on the W, on the S slope of Mt. Rainier; Pierce Co., Wa.; 46°50'10" N, 121°45'06" W (N end); 46°49'35" N, 121°44'46" W (S end). Approved by State Board 12/77; U.S. Board 1/78.

WILSON GULLY: ravine, 0.32 km. (0.2 mi.) long, in Mt. Rainier National Park, heads at the edge of Wilson Glacier at 46°48'40" N, 121°44'47" W, trends SSE to Nisqually Glacier, on S slope of Mt. Rainier; Pierce Co., Wa.; 46°48'30" N, 121°44'42" W. Approved by State Board 12/77; U.S. Board 1/78.

WILSON HEADWALL: ice cliff, 0.32 km. (0.2 mi.) long in Mt. Rainier National Park, at head of Wilson Glacier and E of Kautz Ice Cliff; Pierce Co., Wa.; 46°50'15" N, 121°45'24" W. Approved by State Board 12/77; U.S. Board 5/78.

WSR 80-02-017

NOTICE OF PUBLIC MEETINGS

CLARK COLLEGE

[Memorandum—January 4, 1980]

The members of the Board of Trustees of Clark College will meet on Wednesday, January 9, at the home of Mr. Jim Caley, 1214 E. Evergreen Boulevard, Vancouver, at 6 p.m. Board members will be meeting in Executive Session for its annual review of the performance of the President and Board. No action will be taken at this meeting.

WSR 80-02-018
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum, Clerk—January 4, 1980]

By rule, WAC 162-04-020(2), the Washington State Human Rights Commission holds regular meetings commencing at 9:30 a.m. on the third Thursday of each month.

The place of meetings for 1980 is as follows:

January	Olympia
February	Seattle
March	Yakima
April	Seattle
May	Pasco
June	Vancouver
July	Bellingham
September	Seattle
October	Spokane
November	Tacoma
December	Seattle

(No meeting is held in August.)

The specific address of the next meeting can be obtained by telephoning or writing the Clerk, Washington State Human Rights Commission, Fourth Floor, Seattle, Washington 98101 (206) 464-6500 or the Commission at 402 Evergreen Plaza Building, Seventh and Capitol Way, Olympia, Washington 98504, (206) 753-6770.

WSR 80-02-019
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order FT 79-41—Filed January 9, 1980]

I, Charles W. Hodde, director of Department of Revenue do promulgate and adopt at Olympia, Washington, the annexed rules relating to Stumpage values—Tables for 1/1/79 through 6/30/79, amending WAC 458-40-18629.

This action is taken pursuant to Notice No. WSR 79-12-101 filed with the code reviser on December 5, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.33.071 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 9, 1980.

By Donald R. Burrows
 Deputy Director

AMENDATORY SECTION (Amending Order FT 78-7, filed 12/29/78)

WAC 458-40-18629 STUMPAGE VALUES—
TABLES FOR 1/1/79 THROUGH 6/30/79. As required by chapter 84.33 RCW and formerly 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 January 1, 1979 through June 30, 1979.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA I
 (for 1/1/79 through 6/30/79)
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	\$217	\$213	\$209	\$205	\$201
		2	197	193	189	185	181
		3	172	168	164	160	156
		4	170	166	162	158	154
Western Hemlock ¹	WH	1	153	149	145	141	137
		2	125	121	117	113	109
		3	113	109	105	101	97
True Fir ²	TF	1	153	149	145	141	137
		2	125	121	117	113	109
		3	113	109	105	101	97
Western Red Cedar ³	RC	1	389	385	381	377	373
		2	278	274	270	266	262
		3	179	175	171	167	163
Sitka Spruce	SS	1	205	201	197	193	189
		2	166	162	158	154	150
		3	131	127	123	119	115
Other Conifer	OC	1	153	149	145	141	137
		2	125	121	117	113	109
		3	113	109	105	101	97
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	28	22	16	10	4
Other Hardwoods	OH	1	25	19	13	7	1
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 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA I
(for 1/1/79 through 6/30/79)
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	\$194	\$188	\$182	\$176	\$170
		2	181	175	169	163	157
		3	138	132	126	120	114
		4	118	112	106	100	94
Western Hemlock ¹	WH	1	161	155	149	143	137
		2	125	119	113	107	101
		3	93	87	81	75	69
		4	76	70	64	58	52
True Fir ²	TF	1	161	155	149	143	137
		2	125	119	113	107	101
		3	93	87	81	75	69
		4	76	70	64	58	52
Western Red Cedar ³	RC	1	220	214	208	202	196
		2	214	208	202	196	190
		3	155	149	143	137	131
Other Conifer	OC	1	161	155	149	143	137
		2	125	119	113	107	101
		3	93	87	81	75	69
		4	76	70	64	58	52
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	28	22	16	10	4
Other Hardwoods	OH	1	25	19	13	7	1
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 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA I
(for 1/1/79 through 6/30/79)
THINNING
See definition WAC 458-40-18625(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	\$176	\$170	\$164	\$158	\$152
		2	163	157	151	145	139
		3	120	114	108	102	96
		4	100	94	88	82	76

TABLE 3—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 Hemlock ¹	WH	1	143	137	131	125	119
		2	107	101	95	89	83
		3	75	69	63	57	51
		4	58	52	46	40	34
True Fir ²	TF	1	143	137	131	125	119
		2	107	101	95	89	83
		3	75	69	63	57	51
		4	58	52	46	40	34
Other Conifer	OC	1	143	137	131	125	119
		2	107	101	95	89	83
		3	75	69	63	57	51
		4	58	52	46	40	34
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	28	22	16	10	4
Other Hardwoods	OH	1	25	19	13	7	1
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 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA I
(for 1/1/79 through 6/30/79)
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
			\$180	\$176	\$172	\$168	\$164
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	(82)	78	74	70	(66)
			65	61	57	53	49
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 1/1/79 through 6/30/79)
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	\$255	\$251	\$247	\$243	\$239
		2	237	233	229	225	221
		3	217	213	209	205	201
		4	176	172	168	164	160
Western Hemlock ¹	WH	1	144	140	136	132	128
		2	143	139	135	131	127
		3	117	113	109	105	101
True Fir ²	TF	1	144	140	136	132	128
		2	143	139	135	131	127
		3	117	113	109	105	101
Western Red Cedar ³	RC	1	354	350	346	342	338
		2	305	301	297	293	289
		3	230	226	222	218	214
Sitka Spruce	SS	1	192	188	184	180	176
		2	149	145	141	137	133
		3	112	108	104	100	96
Other Conifer	OC	1	144	140	136	132	128
		2	143	139	135	131	127
		3	112	108	104	100	96
Red Alder	RA	1	54	48	42	36	30
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	11	11	11	11	11

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 1/1/79 through 6/30/79)
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	\$198	\$192	\$186	\$180	\$174
		2	185	179	173	167	161
		3	109	103	97	91	85
		4	87	81	75	69	63
Western Hemlock ¹	WH	1	150	144	138	132	126
		2	146	140	134	128	122
		3	88	82	76	70	64
		4	76	70	64	58	52

TABLE 6—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	150	144	138	132	126
		2	146	140	134	128	122
		3	88	82	76	70	64
		4	76	70	64	58	52
Western Red Cedar ³	RC	1	216	210	204	198	192
		2	199	193	187	181	175
		3	154	148	142	136	130
Other Conifer	OC	1	150	144	138	132	126
		2	146	140	134	128	122
		3	88	82	76	70	64
		4	76	70	64	58	52
Red Alder	RA	1	54	48	42	36	30
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	11	11	11	11	11

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 1/1/79 through 6/30/79)
THINNING
See definition WAC 458-40-18625(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	\$180	\$174	\$168	\$162	\$156
		2	167	161	155	149	143
		3	91	85	79	73	67
		4	69	63	57	51	45
Western Hemlock ¹	WH	1	132	126	120	114	108
		2	128	122	116	110	104
		3	70	64	58	52	46
		4	58	52	46	40	34
True Fir ²	TF	1	132	126	120	114	108
		2	128	122	116	110	104
		3	70	64	58	52	46
		4	58	52	46	40	34
Other Conifer	OC	1	132	126	120	114	108
		2	128	122	116	110	104
		3	70	64	58	52	46
		4	58	52	46	40	34
Red Alder	RA	1	54	48	42	36	30
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 7—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	11	11	11	11	11

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 1/1/79 through 6/30/79)
 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	((<u>\$239</u>—<u>\$235</u>—<u>\$231</u>—<u>\$227</u>—<u>\$223</u>)) <u>\$142</u> <u>\$138</u> <u>\$134</u> <u>\$130</u> <u>\$126</u>				
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	((<u>84</u>—<u>80</u>—<u>76</u>—<u>72</u>—<u>68</u>)) <u>53</u> <u>49</u> <u>45</u> <u>41</u> <u>37</u>				
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 1/1/79 through 6/30/79)
 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	\$232	\$228	\$224	\$220	\$216
		2	219	215	211	207	203
		3	208	204	200	196	192
		4	172	168	164	160	156
Western Hemlock ¹	WH	1	142	138	134	130	126
		2	128	124	120	116	112
		3	96	92	88	84	80
True Fir ²	TF	1	142	138	134	130	126
		2	128	124	120	116	112
		3	96	92	88	84	80

TABLE 9—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	RC	1	311	307	303	299	295
		2	239	235	231	227	223
		3	166	162	158	154	150
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	311	307	303	299	295
		2	239	235	231	227	223
		3	185	181	177	173	169
Other Conifer	OC	1	142	138	134	130	126
		2	123	119	115	111	107
		3	96	92	88	84	80
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	32	26	20	14	8
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 10—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3
 (for 1/1/79 through 6/30/79)
 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	\$177	\$171	\$165	\$159	\$153
		2	164	158	152	146	140
		3	124	118	112	106	100
		4	102	96	90	84	78
Western Hemlock ¹	WH	1	169	163	157	151	145
		2	150	144	138	132	126
		3	96	90	84	78	72
		4	76	70	64	58	52
True Fir ²	TF	1	169	163	157	151	145
		2	150	144	138	132	126
		3	96	90	84	78	72
		4	76	70	64	58	52
Western Red Cedar ³	RC	1	198	192	186	180	174
		2	157	151	145	139	133
		3	108	102	96	90	84
Other Conifer	OC	1	169	163	157	151	145
		2	150	144	138	132	126
		3	96	90	84	78	72
		4	76	70	64	58	52
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	32	26	20	14	8

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
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 11—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3.
 (for 1/1/79 through 6/30/79)
 THINNING
 See definition WAC 458-40-18625(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	\$159	\$153	\$147	\$141	\$135
		2	146	140	134	128	122
		3	106	100	94	88	82
		4	84	78	72	66	60
Western Hemlock ¹	WH	1	151	145	139	133	127
		2	132	126	120	114	108
		3	78	72	66	60	54
		4	58	52	46	40	34
True Fir ²	TF	1	151	145	139	133	127
		2	132	126	120	114	108
		3	78	72	66	60	54
		4	58	52	46	40	34
Other Conifer	OC	1	151	145	139	133	127
		2	132	126	120	114	108
		3	78	72	66	60	54
		4	58	52	46	40	34
Red Alder	RA	1	47	41	35	29	23
Cottonwood	BC	1	47	41	35	29	23
Other Hardwoods	OH	1	32	26	20	14	8
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 12—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3
 (for 1/1/79 through 6/30/79)
 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	\$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 1/1/79 through 6/30/79)
 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	\$291	\$287	\$283	\$279	\$275
		2	290	286	282	278	274
		3	260	256	252	248	244
		4	181	177	173	169	165
Western Hemlock ¹	WH	1	232	228	224	220	216
		2	135	131	127	123	119
		3	130	126	122	118	114
True Fir ²	TF	1	232	228	224	220	216
		2	135	131	127	123	119
		3	130	126	122	118	114
Western Red Cedar	RC	1	311	307	303	299	295
		2	239	235	231	227	223
		3	185	181	177	173	169
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	311	307	303	299	295
		2	239	235	231	227	223
		3	185	181	177	173	169
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	46	40	34	28	22

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
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	44	38	32	26	20
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
(for 1/1/79 through 6/30/79)
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	189	183	177	171	165
		3	151	145	139	133	127
		4	112	106	100	94	88
Western Hemlock ¹	WH	1	167	161	155	149	143
		2	147	141	135	129	123
		3	105	99	93	87	81
		4	92	86	80	74	68
True Fir ²	TF	1	167	161	155	149	143
		2	147	141	135	129	123
		3	105	99	93	87	81
		4	92	86	80	74	68
Western Red Cedar ³	RC	1	240	234	228	222	216
		2	198	192	186	180	174
		3	175	169	163	157	151
Other Conifer	OC	1	167	161	155	149	143
		2	147	141	135	129	123
		3	105	99	93	87	81
		4	92	86	80	74	68
Red Alder	RA	1	46	40	34	28	22
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	44	38	32	26	20
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

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 1/1/79 through 6/30/79)
THINNING
See definition WAC 458-40-18625(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	171	165	159	153	147
		3	133	127	121	115	109
		4	94	88	82	76	70
Western Hemlock ¹	WH	1	149	143	137	131	125
		2	129	123	117	111	105
		3	87	81	75	69	63
		4	74	68	62	56	50
True Fir ²	TF	1	149	143	137	131	125
		2	129	123	117	111	105
		3	87	81	75	69	63
		4	74	68	62	56	50
Other Conifer	OC	1	149	143	137	131	125
		2	129	123	117	111	105
		3	87	81	75	69	63
		4	74	68	62	56	50
Red Alder	RA	1	46	40	34	28	22
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	44	38	32	26	20
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

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 1/1/79 through 6/30/79)
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	\$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 1/1/79 through 6/30/79)
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	\$270	\$266	\$262	\$258	\$254
		2	264	260	256	252	248
		3	199	195	191	187	183
		4	170	166	162	158	154
Western Hemlock ¹	WH	1	231	227	223	219	215
		2	138	134	130	126	122
		3	115	111	107	103	99
True Fir ²	TF	1	231	227	223	219	215
		2	138	134	130	126	122
		3	115	111	107	103	99
Western Red Cedar ³	RC	1	311	307	303	299	295
		2	239	235	231	227	223
		3	213	209	205	201	197
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	41	35	29	23	17
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	48	42	36	30	24
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 1/1/79 through 6/30/79)
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	\$220	\$214	\$208	\$202	\$196
		2	186	180	174	168	162
		3	133	127	121	115	109
		4	94	88	82	76	70

TABLE 18—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 Hemlock ¹	WH	1	160	154	148	142	136
		2	147	141	135	129	123
		3	98	92	86	80	74
		4	86	80	74	68	62
True Fir ²	TF	1	160	154	148	142	136
		2	147	141	135	129	123
		3	98	92	86	80	74
		4	86	80	74	68	62
Western Red Cedar ³	RC	1	221	215	209	203	197
		2	168	162	156	150	144
		3	133	127	121	115	109
Other Conifer	OC	1	160	154	148	142	136
		2	147	141	135	129	123
		3	98	92	86	80	74
		4	86	80	74	68	62
Red Alder	RA	1	41	35	29	23	17
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	48	42	36	30	24
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 1/1/79 through 6/30/79)
THINNING
See definition WAC 458-40-18625(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	\$202	\$196	\$190	\$184	\$178
		2	168	162	156	150	144
		3	115	109	103	97	91
		4	76	70	64	58	52
Western Hemlock ¹	WH	1	142	136	130	124	118
		2	129	123	117	111	105
		3	80	74	68	62	56
		4	68	62	56	50	44
True Fir ²	TF	1	142	136	130	124	118
		2	129	123	117	111	105
		3	80	74	68	62	56
		4	68	62	56	50	44
Other Conifer	OC	1	142	136	130	124	118
		2	129	123	117	111	105
		3	80	74	68	62	56
		4	68	62	56	50	44
Red Alder	RA	1	41	35	29	23	17
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	48	42	36	30	24

TABLE 19—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, Noble Fir, Grand Fir, and Alpine Fir.

TABLE 20—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
(for 1/1/79 through 6/30/79)
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	\$261	\$257	\$253	\$249	\$245
Western Red Cedar Flatsawn & Shingle Blocks ¹	RCF	1	91	87	83	79	75
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, 7, 8, AND 9
(for 1/1/79 through 6/30/79)
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	\$170	\$166	\$162	\$158	\$154
		2	96	92	88	84	80
Douglas Fir	DF	1	99	95	91	87	83
Western Larch	WL	1	99	95	91	87	83
Western Hemlock ¹	WH	1	102	98	94	90	86
True fir ²	TF	1	102	98	94	90	86
Engelmann Spruce	ES	1	95	91	87	83	79
White Pine	WP	1	141	137	133	129	125

TABLE 21—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	RC	1	141	137	133	129	125
Lodgepole Pine	LP	1	62	58	54	50	46
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, 7, 8, AND 9
(for 1/1/79 through 6/30/79)
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	\$72	\$68	\$64
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 29—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
(for 1/1/79 through 6/30/79)
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	\$214	\$210	\$206	\$202	\$198
		2	192	188	184	180	176
		3	109	105	101	97	93
Douglas Fir	DF	1	219	215	211	207	203
		2	175	171	167	163	159
		3	131	127	123	119	115

TABLE 29—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 Larch	WL	1	219	215	211	207	203
		2	175	171	167	163	159
		3	131	127	123	119	115
Western Hemlock ¹	WH	1	232	228	224	220	216
		2	135	131	127	123	119
		3	130	126	122	118	114
True Fir ²	TF	1	232	228	224	220	216
		2	135	131	127	123	119
		3	130	126	122	118	114
Other Conifer	OC	1	214	210	206	202	198
		2	135	131	127	123	119
		3	109	105	101	97	93
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.

Board of Health intends to adopt, amend, or repeal rules concerning ventilation, amending WAC 248-64-290; that such agency will at 9:00 a.m., Wednesday, February 13, 1980, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, 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, February 13, 1980, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, 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 February 13, 1980, and/or orally at 9:00 a.m., Wednesday, February 13, 1980, South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-106 filed with the code reviser's office on December 5, 1979.

Dated: January 9, 1980
 By: Michael Hanbey, AAG
 Secretary

TABLE 30—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 10
 (for 1/1/79 through 6/30/79)
 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	\$72	\$68	\$64
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.

WSR 80-02-020
PROPOSED RULES
BOARD OF HEALTH
 [Filed January 9, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

WSR 80-02-021
PROPOSED RULES
BOARD OF HEALTH
 [Filed January 9, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

- New WAC 248-18-636 Neonatal intensive care unit.
- New WAC 248-18-607 Birthing rooms.
- New WAC 248-18-222 Birthing rooms;

that such agency will at 9:00 a.m., Wednesday, February 13, 1980, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, 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, February 13, 1980, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, 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 February 13, 1980, and/or orally at 9:00 a.m., Wednesday, February 13, 1980, South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-107 filed with the code reviser's office on December 5, 1979.

Dated: January 9, 1980
 By: Michael Hanbey, AAG
 Secretary

WSR 80-02-022
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1471—Filed January 9, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-35-020 Determination of financial need.
 Amd WAC 388-37-030 GAU—Eligible persons.

This action is taken pursuant to Notice No. WSR 79-11-120 filed with the code reviser on November 5, 1979. 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 December 19, 1979.
 By N.S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)

WAC 388-35-020 DETERMINATION OF FINANCIAL NEED. Determination of financial need is as described in ~~((WAC Chapter 28))~~ chapter 388-28 WAC except as follows:

(1) Exempt resources and income. The following types of property shall be exempt in determination of financial need:

- (a) A home: WAC 388-28-420 shall apply in determining whether real property is used as a home((-);
- (b) A used and useful vehicle when needed for medical reasons or to seek or retain employment. The equity in the vehicle shall not exceed \$1,500((-);
- (c) Used and useful household furnishings;
- (d) Used and useful personal effects;
- (e) Tools and equipment used and useful in the person's occupation((-);
- (f) Livestock, the products of which are consumed by the applicant and his dependents;
- (g) Income as specified in WAC 388-28-575(2);
- (h) Special need reimbursement for an employment and training participant who is actively engaged in job search.

(2) Nonexempt resources and income. All income and personal and real property not exempted above shall be considered nonexempt in determination of financial need.

(3) ~~((30))~~ Thirty days shall ordinarily be considered a reasonable period to clarify the ownership or value of a resource.

(4) Computation of grant amount, treatment of income and resources.

(a) Income received after application and before grant authorization shall be prorated at the GAN standard from the date of application up to the date of grant authorization. Any remainder shall be deducted from the grant.

(b) Income received after grant authorization shall be deducted from the grant during the next period of certification, provided there is no break in assistance.

(c) If there is a break in assistance of ~~((30))~~ thirty days or less, income received after grant authorization shall be prorated at the GAN standard for the period between certifications and any remainder shall be deducted from the following grant.

(d) Cash on hand at the time of grant authorization shall be deducted from the grant if the amount of cash is less than the applicant's needs for the certification period. If the amount of cash on hand is greater than the applicant's needs for the certification period, the applicant shall be ineligible.

(e) A value shall be placed on all other nonexempt resources available to the applicant at the time of grant authorization in accordance with WAC 388-28-400.

(i) If the value of available nonexempt resources is greater than the applicant's needs for the certification period, the applicant shall be ineligible.

(ii) If the value of available nonexempt resources is less than the applicant's needs for the certification period, the amount of the value shall be deducted from the grant.

(5) These rules shall be effective November 10, 1979.

AMENDATORY SECTION (Amending Order 1295, filed 5/16/78)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to

(1) Deleted

(2) Families ineligible for AFDC-E solely because ~~((the father does not meet))~~ neither parent/stepparent meets the work quarters requirement and one parent/stepparent is regularly attending a vocational training course approved by the ~~((ESS0))~~ CSO in accordance with WAC 388-57-028.

(a) Disapproval of a training plan shall make the family ineligible for GAU.

(b) The ~~((ESS0))~~ CSO shall approve no more than ~~((24))~~ twenty-four continuous months of training per family.

(3) A person who at the time of attaining the age of ~~((18))~~ eighteen years is a recipient of public assistance and attending a state approved high school or vocational or technical institution.

(a) Assistance is continued while the person (if otherwise eligible) continually attends school on a full-time basis. Assistance is continued through the end of the school year immediately following the person's ~~((18th))~~ eighteenth birthday.

(b) If in the opinion of the ~~((ESS0))~~ CSO administrator one additional year of schooling will lead to completion of a secondary education, assistance is continued for one additional school year.

(4) Unemployable persons. As used in this section unemployable means a person who is ~~((65))~~ sixty-five years of age or older or a person who is physically or mentally incapacitated by a condition expected to continue for at least ~~((30))~~ thirty days from date of application. Unemployability refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities. Eligible individuals are:

(a) An unemployable single adult~~((:))~~;

(b) A married couple if both persons are unemployable.

(c) The unemployable spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).

(5) The spouse and children of a ~~((65))~~ sixty-five year old beneficiary of supplemental security income when deprivation due to incapacity or unemployment cannot be established.

(6) These rules shall be effective November 10, 1979.

WSR 80-02-023
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1472—Filed January 9, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to employment and training, amending chapter 388-57 WAC.

This action is taken pursuant to Notice No. WSR 79-11-059 filed with the code reviser on 10/17/79. 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 December 19, 1979.

By N.S. Hammond
Executive Assistant

NEW SECTION

WAC 388-57-032 EMPLOYMENT AND TRAINING (E&T) PROGRAM. (1) The employment and training (E&T) program is a department of social and health services designated program which is complementary to and consistent with the work incentive (WIN) program as described in this chapter. It is designed to provide services to employable recipients of AFDC who are not receiving work incentive (WIN)

program services and to employable applicants/recipients of general assistance.

(2) The WIN rules, including all responsibilities, exemptions, sanctions and protections in chapter 388-57 WAC apply to the employment and training (E&T) program except as outlined in WAC 388-57-032 and 388-57-036.

(3) The following services will be available through the E&T program to recipients in both WIN and non-WIN localities:

(a) Placement in employment;

(b) Referral to other programs offering public service employment (PSE) or training;

(c) Self-support services.

(4) In WIN areas, recipients of AFDC are required to satisfy WIN program requirements prior to being considered for E&T. Persons certified to WIN may be suspended to E&T.

NEW SECTION

WAC 388-57-036 EMPLOYMENT AND TRAINING (E&T)—DEFINITIONS. The terms in chapter 388-57 WAC apply in the E&T program except:

(1) "Certification" means acceptance for E&T services of GA-N applicants/recipients and AFDC recipients in non-WIN areas. The form is retained by the CSO rather than being sent to DES;

(2) "Registrant" means a recipient who is registered for E&T services;

(3) "Self-support services" means counseling, child care, transportation, miscellaneous expense and medical payments during the certification period to assist the recipient in obtaining employment and training (E&T). These departmental payments are exempt;

(4) "DES-DSHS joint case responsibility" is not applicable in the E&T program;

(5) The thirty dollar incentive payment is not applicable in the E&T program;

(6) A sixty-day counseling period according to WAC 388-57-062 shall be provided to AFDC recipients who have failed or refused training or employment and training program without good cause.

(7) Protective or vendor payments shall not be imposed upon noncooperating AFDC-R recipients not certified to WIN;

(8) Registration to the E&T program does not satisfy the requirement to register for employment with DES.

AMENDATORY SECTION (Amending Order 1118, filed 5/13/76)

WAC 388-57-090 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/EMPLOYMENT AND TRAINING WITHOUT GOOD CAUSE—FAIR HEARINGS. (1) An AFDC applicant who claims ~~((that he is))~~ to be exempt from WIN/employment and training (E&T) registration as provided in WAC 388-24-107 shall be considered ~~((as))~~ exempt until his/her status is finally determined.

(2) An individual who is dissatisfied with the determination that he ((+))she((+)) must register for the work incentive (WIN) program or the employment and training (E&T) program as provided in WAC 388-24-107 may request a fair hearing.

(3) ((Employment security)) (a) DES has responsibility for hearing and deciding disputes over their decisions involving refusal or failure without good cause on the part of a registrant or participant to accept employment or to participate in the work incentive (WIN) program ((without good cause. Refer to WAC 192-09-430 through WAC 192-10-330)) or the employment and training (E&T) program upon suspension from the WIN program.

(b) DSHS has responsibility for hearing and deciding disputes over their decisions involving registrant/participant refusal or failure to accept employment or to participate in the employment and training (E&T) program without good cause only when he/she is not certified to the WIN program. Refer to WAC 388-57-061.

(4) This section is applicable to applicants/recipients of general assistance who are employable and are required to participate in the E&T program.

WSR 80-02-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1473—Filed January 9, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Drugs—Persons eligible, amending WAC 388-91-010.

This action is taken pursuant to Notice No. WSR 79-11-114 filed with the code reviser on 11/2/79. 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 December 19, 1979.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. ((Only drugs approved by the federal food and drug administration (FDA) for general use will be provided. Drugs judged "ineffective" or "possibly effective" or experimental will not be provided.

~~A drug formulary will list all chemicals which are provided without prior approval of medical consultant. Also the formulary will include description of program limitations, rules and program policy and penalties. Chemicals in the formulary will be those generally accepted by physicians in Washington and will be the most conservative and the less costly alternatives:)) (1) A drug formulary will list all drug preparations which are provided without prior approval of medical consultant. It will include a description of program limitations, rules and program policy and penalties. The decision to place drugs in the division of medical assistance program drug formulary is based on these criteria:~~

(a) The drug must be established as a part of necessary and essential care for the condition for which it is to be used.

(b) The drug must be in general use by the physicians practicing in Washington.

(c) The drug must be of moderate cost. Generic forms will be used when listed under DSHS or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the less expensive one will be selected for the formulary.

(d) Drugs must not be classified "ineffective" or "possibly effective" by the food and drug administration.

(e) The drug must not be experimental.

(2) The following process is used to determine the acceptability of a drug preparation for possible listing in the formulary.

(a) Objective, scientific information and utilization data is reviewed for appropriateness according to the criteria in subsection (1) of this section, by the program medical staff, or,

(b) The secretary may appoint an advisory committee in accordance with RCW 43.20A.360 to review and advise the division of medical assistance on the acceptability of the drug preparation.

(c) The medical director or his designee may make appropriate changes in the formulary consistence with subsection (1) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(d) Acceptable drugs will be included in the next subsequent edition of the formulary.

(3) In accordance with the department's rules and regulations drugs are provided for:

((+)) (a) The necessary and essential medical care of recipients of continuing assistance and of recipients of federal aid medical care only (FAMCO).

((+)) (b) The treatment of acute and emergent conditions of recipients of medical only who cannot be categorically related. These persons are identified by the notation "MEDICAL SERVICES LIMITED" on their medical identification coupons. All drugs provided to such recipients require the approval of the local office medical consultant.

((+)) (c) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anti-convulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics may be provided

to recipients of medical only who have satisfied the \$200 deductible. All such drugs provided require approval of the local office medical consultant.

WSR 80-02-025
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 79-33—Filed January 9, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Area described at Department Order No. DE 75-54—Public ground water permits, repealing WAC 173-134-150.

This action is taken pursuant to Notice No. WSR 79-12-111 filed with the code reviser on December 5, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.080 and 43.27A.090(11) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 8, 1980.

By Wilbur G. Hallauer
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-134-150 AREA DESCRIBED AT DEPARTMENT ORDER NO. DE 75-54—PUBLIC GROUND WATER PERMITS.

WSR 80-02-026
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 80-01]

FARMLAND PRESERVATION

WHEREAS, it is the policy of this administration to develop and promote agricultural activities; and

WHEREAS, in order to develop and promote agricultural activities, agricultural lands must be preserved; and

WHEREAS, agricultural land is being lost to other uses; and

WHEREAS, state and local governments operate under various laws, regulations, policies and programs that

affect decisions on agricultural land and growth management; and

WHEREAS, local government is in the best position to make the primary decisions affecting the preservation of farmlands; and

WHEREAS, the continuing loss of agricultural land requires closer attention by state agencies; and

WHEREAS, it is the opinion of this administration that much can be accomplished under the framework of existing laws and regulations to protect farmlands without the necessity of creating a new bureaucracy,

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, do hereby direct as follows:

Every state department, commission, board or other agency of state government making decisions affecting the siting of energy facilities, disposal facilities, transportation systems or utility corridors, and agencies making decisions on environmental and/or land use permits, shall consider farmland preservation when making decisions and, in addition, give due regard to local government planning, zoning, or other local government agricultural land protection programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4th day of January, A.D. nineteen hundred and eighty.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Robert W. Davidson

Assistant Secretary of State

WSR 80-02-027
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
WENATCHEE VALLEY COLLEGE
YAKIMA VALLEY COLLEGE
[Memorandum, Secretary—January 4, 1980]

The following institutions would like the information on their regular meetings of their Board of Trustees published in the Washington State Register:

Central Washington University

February 2, 1980, 9:00 a.m., Bouillon Hall room 143

April 25, 1980, 9:00 a.m., Bouillon Hall room 143

June 20, 1980, 8:00 p.m., Bouillon Hall room 143

September 13, 1980, 9:00 a.m., Bouillon Hall room 143

Wenatchee Valley College

The regular meetings of the Board of Trustees of Wenatchee Valley College shall be held on the second Wednesday of each month at 1:30 p.m. in the Board Room of Wells Hall on the Wenatchee Valley College campus in Wenatchee, Washington.

Yakima Valley College

The regular meetings of the Board of Trustees of Yakima Valley College shall be held on the first Wednesday of each month at 4:00 p.m. in the Board of Trustees' office at 16th and West Nob Hill Blvd. on the Yakima Valley College campus in Yakima, Washington.

WSR 80-02-028

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**
[Memorandum—January 8, 1980]

You are hereby notified that the Board of Trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting for the purpose of discussing the 1980 legislative session at January 10, 1980, 11:45 a.m., The Fairhaven, 1114 Harris, Bellingham, WA 98225.

WSR 80-02-029

**NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION**
[Memorandum—January 9, 1980]

On February 21 and 22, 1980, the State Advisory Council on Vocational Education will hold a public forum on vocational education in the Rainier Room of the Seattle Airport Hilton, across from the SeaTac Airport. The forum will run from 9:00 a.m. until 4:00 p.m. on Thursday, February 21 and will continue from 9:00 a.m. until 3:30 p.m. on Friday, February 22.

The purpose of the public forum is to allow any person, organization, or entity to present concerns on vocational education as they relate to Washington State. Interested persons should contact the Advisory Council office if they plan to make a presentation at the public forum. In this way, the Council will be able to make things more convenient for presentors by giving them a scheduled time for their presentation.

The Advisory Council is also asking that the presenters take no longer than 10-15 minutes for their presentations, so that Council members may ask questions if they desire and to give as many people as possible an opportunity to present their concerns and opinions. Furthermore, written copies of the presentations must be submitted to the Council prior to the time of presentation so that the presentation can be included in the public forum report. The Council also will accept a written presentation of concerns from individuals who are unable to attend the Council's public forum.

For further information, contact Dennis D. Coplen, Executive Director Washington State Advisory Council on Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504, or call (206) 753-3715.

**WSR 80-02-030
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Order 79-21—Filed January 10, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to safety standards for logging, amending WAC 296-54-505, 296-54-507, 296-54-511, 296-54-515, 296-54-517, 296-54-519, 296-54-527, 296-54-529, 296-54-531, 296-54-535, 296-54-539, 296-54-543, 296-54-549, 296-54-551, 296-54-555, 296-54-557, 296-54-563, 296-54-575, 296-54-593, 296-54-595 and 296-54-601.

I, James T. Hughes, 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 corrections and additions to the previously adopted regulations are necessary to ensure safe and healthful working conditions for every man and woman working in the logging industry.

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

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 10, 1980.

By James T. Hughes
Director

**AMENDATORY SECTION (Amending Order 79-14,
filed 9/21/79)**

WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER. (1) A-frame - a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system - a system approved by the department of labor and industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

- (3) *A side* – any place of activity involving a group in the yarding and loading of logs.
- (4) *An operation* – any place where logging or log related activities are taking place.
- (5) *Approved* – approved by the department of labor and industries, division of industrial safety and health.
- (6) *Arch* – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.
- (7) *Authorized person* – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).
- (8) *Back line* – that section of the haulback that runs between the spar tree and the corner block.
- (9) *Ballistic nylon* – a fabric of high tensile properties designed to provide protection from lacerations.
- (10) *Barrier* – a fence, wall or railing to prevent passage or approach.
- (11) *Base of tree* – that portion of a natural tree not more than three feet above ground level.
- (12) *Bight of the line* – any area where a person is exposed to a controlled or uncontrolled moving line.
- (13) *Binder* – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.
- (14) *Boomboat* – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.
- (15) *Boomscooter* – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.
- (16) *Brailing* – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.
- (17) *Brow log* – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.
- (18) *Bullbuck* – the supervisor of the cutting crew.
- (19) *Butt welding* – the practice of welding something end to end.
- (20) *Cable tree thinning* – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.
- (21) *Choker* – a length of wire rope with attachments for encircling the end of a log to be yarded.
- (22) *Chunking* – the clearing of nonusable material from a specified area.
- (23) *Cold deck* – any pile of logs which is yarded and left for future removal.
- (24) *Competent person* – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.
- (25) *Corner block* – the first block the haulback passes through on its way to the tail block.
- (26) *Crew bus or vehicle* – any vehicle furnished by or for the employer that will transport ~~((nine))~~ five or more persons.
- (27) *Crotch line* – two short lines attached to the same ring or shackle, used for loading or unloading.
- (28) *Danger trees* – trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See Snag)
- (29) *Directional falling* – a mechanical means to control the direction of falling timber.
- (30) *Dog line* – type of line used to fasten logs or timber products together by the use of dogs.
- (31) *Donkey* – any machine with a series of drums used to yard logs.
- (32) *Double ended logs* – two logs end to end on the same lay.
- (33) *Droplines* – a short line attached to the carriage or carriage block which is used as an extension to the main line.
- (34) *Drum* – a mechanical device on which line is spooled or unspooled.
- (35) *Dry land storage* – decks of logs stored for future removal or use.
- (36) *Dutchman* – (a) A block used to change direction of line lead.
(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.
- (37) *Experienced person* – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.
- (38) *F.O.P.S.* – Falling object protective structure.
- (39) *Fair lead* – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.
- (40) *Front end loader* – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.
- (41) *Guard rail* – a railing to restrain a person.
- (42) *Guyline* – a line used to support or stabilize a spar.
- (43) *Gypsy drum* – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.
- (44) *Haulback* – a line used to pull the buttrigging and mainline to the logs to be yarded.
- (45) *Haulback block* – any block the haulback line passes through including the corner block and tailblock.
- (46) *Hay rack* – (a) A type of loading boom where two tongs are used and logs are suspended.
(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.
- (47) *Hazardous falling area* – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.
- (48) *Head tree* – the tree where yarding and/or loading takes place. (See Spar tree)
- (49) *Heel boom* – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.

(50) *High lead* – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.

(51) *Hobo log and/or hitchhiker* – a free or unattached log that is picked up by a turn and is transported with the turn.

(52) *Hooktender* – the worker that supervises the method of moving the logs from the woods to the landing.

(53) *Hot deck* – a landing where logs are being moved.

(54) *Hydraulic jack* – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.

(55) *In the clear* – being in a position where the possibility of harmful physical contact is minimized.

(56) *Jackstrawed* – trees or logs piled in an unordered manner.

(57) *Jaggers* – any projecting broken wire in a strand of cable.

(58) *Kerf* – that portion of timber products taken out by the saw teeth.

(59) *Knob* – a metal ferrule attached to the end of a line.

(60) *Landing* – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.

(61) *Lift tree* – an intermediate support for skylines.

(62) *Loading boom* – any structure projecting from a pivot point to guide a log when lifted.

(63) *Lodged tree* – a tree leaning against another tree or object which prevents it from falling to the ground.

(64) *Log bronco* – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.

(65) *Log dump* – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.

(66) *Logging machine* – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.

(67) *Logs* – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.

(68) *Log stacker* – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.

(69) *Long sticks* – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.

(70) *Mainline* – the line attached to the buttrigging used to pull logs to the landing.

(71) *Mainline block* – the block hung in the spar through which the mainline passes.

(72) *Mainline train* – any train that is made up for travel between the woods and log dump.

(73) *Matchcutting* – the felling of trees without using an undercut.

(74) *Mechanized falling* – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.

(75) *Mechanized feller* – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.

(76) *Mobile log loader* – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.

(77) *Mobile yarder* – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.

(78) *Must* – the same as "shall" and is mandatory.

(79) *New area or setting* – a location of operations when both the loading station and the yarder are moved.

(80) *Pass line* – a small line threaded through a block at the top of the spar to assist the high climber.

~~((80))~~ (81) *Permissible* (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.

~~((81))~~ (82) *Portable spar or tower* – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

~~((82))~~ (83) *Qualified person* – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.

~~((83))~~ (84) *Reach* – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.

~~((84))~~ (85) *Receding line* – the line on a skidder or slackline comparable to the haulback line on a yarder.

~~((85))~~ (86) *Reload* – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

~~((86))~~ (87) *Rollway* – any place where logs are dumped and they roll or slide to their resting place.

~~((87))~~ (88) *R.O.P.S.* – Roll over protection structure.

~~((88))~~ (89) *Rub tree* – a tree used to guide a turn around a certain area.

~~((89))~~ (90) *Running line* – any line which moves.

~~((90))~~ (91) *SAE* – Society of automotive engineers.

~~((91))~~ (92) *Safety factor* – the ratio of breaking strength to a safe working strength or loading.

~~((92))~~ (93) *Safety glass* – a type of glass that will not shatter when broken.

~~((93))~~ (94) *Sail block* – a block hung inverted on the sail guy to hold the tong block in proper position.

((+94)) (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

((+95)) (96) Shall – a requirement that is mandatory.

((+96)) (97) Shear log – a log placed in a strategic location to divert passage of objects.

((+97)) (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

((+98)) (99) Signal person – the person designated to give signals to the machine operator.

((+99)) (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

((+100)) (101) Skidder – a machine or animal used to move logs or trees to a landing.

((+101)) (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

((+102)) (103) Skyline – the line suspended between two points on which a block or carriage travels.

((+103)) (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

((+104)) (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

((+105)) (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)

((+106)) (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

((+107)) (108) Spar – a device rigged for highlead, skyline or slackline yarding.

((+108)) (109) Spar tree – (See Spar).

((+109)) (110) Speeder – a small self-powered vehicle that runs on a railroad track.

((+110)) (111) Spike – a long heavy nail similar to a railroad spike.

((+111)) (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

((+112)) (113) Square lead – the angle of 90 degrees.

((+113)) (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

((+114)) (115) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

((+115)) (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

((+116)) (117) Strap – any short piece of line with an eye or "D" in each end.

((+117)) (118) Strawline – a small line used for miscellaneous purposes.

((+118)) (119) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

((+119)) (120) Strip – a definite location of timber on which one or more cutting crews work.

((+120)) (121) Swamping – the falling or cutting of brush around or along a specified place.

((+121)) (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

((+122)) (123) Swing cut – a back cut in which the holding wood on one side is cut through.

((+123)) (124) Tail block – the haulback block at the back end of the show.

((+124)) (125) Tail hold – an anchor used for making fast any line or block.

((+125)) (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

((+126)) (127) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

((+127)) (128) Tong line block – the block hung in a boom through which the tong line operates.

((+128)) (129) Tongue – a device used to pull and/or steer a trailer.

((+129)) (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

((+130)) (131) Tower – (See Portable spar or tower).

((+131)) (132) Tractor – a machine of wheel or track design used in logging.

((+132)) (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

((+133)) (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

((+134)) (135) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

((+135)) (136) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

((+136)) (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

((+137)) (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

((+138)) (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

((+139)) (140) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

((+140)) (141) WAC – Washington Administrative Code.

((+141)) (142) Waistline – that portion of the haulback running between the corner block and the tail block.

((+142)) (143) Wrapper – a cable assembly or chain used to contain a load of logs.

~~((+43))~~ (144) Wrapper rack - barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

~~((+44))~~ (145) Yarder - a machine with a series of drums used to yard logs. (See Donkey)

~~((+45))~~ (146) Yarding - the movement of logs from the place they are felled to a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum (~~crew~~) of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT. (1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) Occupational head protection. Hard hats meeting the specifications contained in American National Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any

of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

PERMISSIBLE NOISE EXPOSURES

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

* Ceiling Value: No exposure in excess of 115 dBA.

** Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-515 GENERAL REQUIREMENTS. (1) Emergency stops. Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment. Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(6) Lock out - tag out. Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) Fire protection. An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) Hand tools. Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

~~((15) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall be felled before the regular operations begin.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-517 CAMPS. ~~((+))~~ Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

~~((2) All dangerous trees or snags which could fall on any camp building must be felled.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE. (1) Seats. Anchored seats shall be provided for each person when riding in any vehicle.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) Barricade. After May 1, 1980, a substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) Safe entrance and exits. Adequate provisions shall be made for safe entrance and exits.

(5) Enclosed racks. When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) Vehicle to be stopped. Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) Keep within vehicle. Persons shall keep all parts of the body within the vehicle.

(8) Stoves prohibited. Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) Emergency exit. On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) Fire extinguisher. When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) Crew and emergency vehicles. Vehicles designed to transport five or more passengers shall be equipped

with stretchers, two blankets, and first-aid kits (~~and a portable light~~). If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) Exhaust systems. Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) Limitation of transportation of explosives. Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) Limitation of transportation of fuels. Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pick-up or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) Motor vehicle laws. Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) Operator's license. All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) Daily vehicle check. Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) Good repair. Crew vehicles shall be maintained in good repair and safe condition.

(19) Dump trucks. Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) Means of signaling. An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) Load limit. The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) Vehicle check. Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic

or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-527 TRUCK ROADS. (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. On blind curves, truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic-tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-529 FALLING AND BUCKING—GENERAL. (1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor at idle or shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited except by an experienced person.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT. (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be at idle or shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(17) ~~((Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.~~

~~((+8))) Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.~~

~~((+9))) (18) Hand-held files shall be equipped with a handle.~~

~~((+20))) (19) Only experienced cutters shall buck windfalls.~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-535 TREE PULLING. (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) When using radio, positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-539 CLIMBING EQUIPMENT AND PASSLINE. (1) Standard climbing equipment shall be furnished by the employer, however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Long or short splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) Climbing and passline equipment shall not be used for other purposes.

(15) Defective climbing equipment shall be immediately removed from service.

(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.

The equipment shall include:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

(18) ~~The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.~~

~~(19))~~ Lineman hooks shall not be used as spurs.

~~((20))~~ (19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

~~((21))~~ (20) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

~~((22))~~ (21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

~~((23))~~ (22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

~~((24))~~ (23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

~~((25))~~ (24) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

~~((26))~~ (25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

~~((27))~~ (26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

~~((28))~~ (27) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

~~((29))~~ (28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

~~((30))~~ (29) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and malle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

~~((31))~~ (30) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

~~((32))~~ (31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-543 GENERAL REQUIREMENTS. (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, ((rtrb)) or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guy-lines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

(2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

(3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

(4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline.

This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

(6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the

exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;
 (iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or straw-line blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

(7) Wire Rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing Wire Rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Drop Forged	Required Other Material	Minimum Space Between Clips
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravell'd	Total Length
1/4"	8	16
3/8"	8	16
1/2"	10	20
5/8"	13	26
3/4"	15	30

Rope Diameter	To Be Unravellid	Total Length
7/8"	18'	36'
1"	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2"	40'	80'

(9) Miscellaneous Requirements.

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the buttrigging.

(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.

PUT CLIPS ON RIGHT

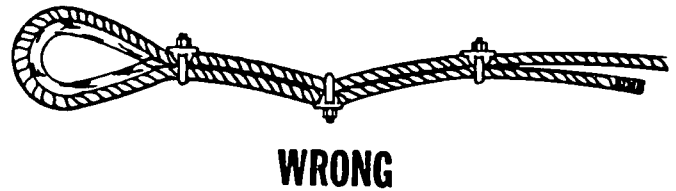


Figure No. 2

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent (80%) of the strength of the rope and far less than that when on wrong.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS. (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited, unless used to secure end of rolled eye.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS. (1) Yarding, loading and skidding machines

shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.

(4) Logging machines and their components shall be securely anchored to their bases.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

(14) ~~((When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a~~

~~standard guardrail, with warning signs attached, shall be provided between the hazard and the person.)) A minimum distance of thirty-six-inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER—36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment. This requirement shall not apply when:~~

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

(15) ~~((An unimpaired clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be maintained, a physical barrier similar to a standard guardrail, with warning signs attached, shall be provided to isolate the hazardous area. When it is necessary for the logging machine to move constantly to fulfill its purpose, such as a loading machine moving back and forth to sort logs for loading or loading out right of way logs, brightly colored cones may be used in lieu of barricades provided no employee is permitted to work or pass within the perimeter of the cones. The cones shall be at least twenty-four inches in height.~~

~~((+6))~~) Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

~~((+7))~~) (16) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

~~((+8))~~) (17) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

~~((+9))~~) (18) Such units shall not be tied to any part of the ~~((towing unit))~~ tractor, when they are being moved on truck and trailer units.

~~((+20))~~) (19) Logs shall not be moved, swung or held over any persons.

~~((+21))~~) (20) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement.

Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

~~((22))~~ (21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

~~((23))~~ (22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

~~((24))~~ (23) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

~~((25))~~ (24) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

~~((26))~~ (25) Broken or defective glass shall be removed and replaced.

~~((27))~~ (26) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

~~((28))~~ (27) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

~~((29))~~ (28) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

~~((30))~~ (29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

~~((31))~~ (30) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

~~((32))~~ (31) Where a signalperson is used, the equipment operator shall move the equipment only on signal from the designated signalperson and only when the signal is distinct and clearly understood.

~~((33))~~ (32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

~~((34))~~ (33) All obstructions which may reach the operator while moving machines, shall be removed.

~~((35))~~ (34) Only shackles with threaded pins shall be used for connecting moving rigging.

~~((36))~~ (35) Anchors used for moving power units shall be carefully chosen and must be stable.

~~((37))~~ (36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

~~((38))~~ (37) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

~~((39))~~ (38) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

~~((40))~~ (39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

~~((41))~~ (40) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

~~((42))~~ (41) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

~~((43))~~ (42) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (42) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

~~((44))~~ (43) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

~~((45))~~ (44) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

~~((46))~~ (45) Certified roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and

clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

~~((47))~~ (46) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "Welder Qualification" in American Welding Society A.W.S. A3.0-69.)

~~((48))~~ (47) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

~~((49))~~ (48) Vehicles equipped with ROPS or FOPS as required in subsections ~~((44))~~ (43) and ~~((48))~~ (47) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

~~((50))~~ (49) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

~~((51))~~ (50) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

~~((52))~~ (51) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall

be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

~~((53))~~ All bidirectional machines, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated when the machine is moving in either direction unless an assigned signal person directs the movement. The horn shall be maintained in an operating condition.)

(52) (a) All bidirectional machines, such as rollers, compacters, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-555 YARDING—GENERAL REQUIREMENTS. (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.

(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be

adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are (~~engaged in hooking on~~) working in the chutes.

Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

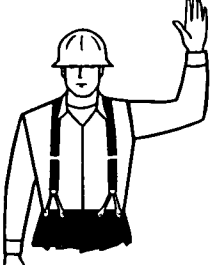
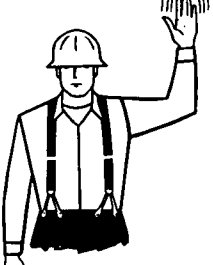



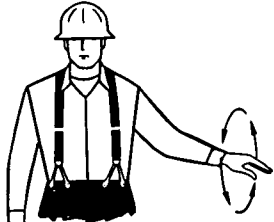
(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

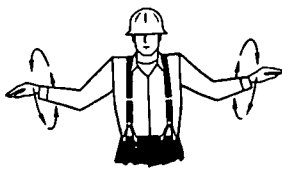




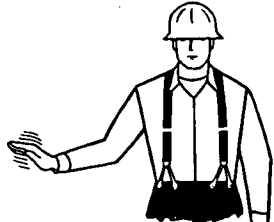
(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING

 <p>1. Mainline ahead, normal. Raise one arm.</p>	 <p>2. Mainline ahead, fast. One arm raised, hand fluttering.</p>
 <p>3. Mainline ahead, slow. Both arms raised.</p>	 <p>4. Stop any moving line and hold.</p>
 <p>5. Slack the mainline, easy. Both hands extended at sides fluttering hands.</p>	 <p>6. Ahead on haulback, normal speed. One arm extended rotating.</p>

STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING

 <p>7. Haulback ahead, slow. Both arms extended, rotating.</p>	 <p>8. Slack the haulback. Extend hand out flat and pat back of hand with other hand.</p>
 <p>9. Slack the strawline. Hand to elbow, flexing hand.</p>	 <p>10. Ahead on strawline. Touch hand to bent elbow.</p>
 <p>and then</p> <p>11. Ahead on strawline, slow.</p>	 <p>12. Slack mainline, all off. Arm extended at side flipping wrist.</p>

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS. (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or ((~~in~~)) in cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is

jeopardized by wearing a seat belt, the seat belt need not be worn.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after

the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

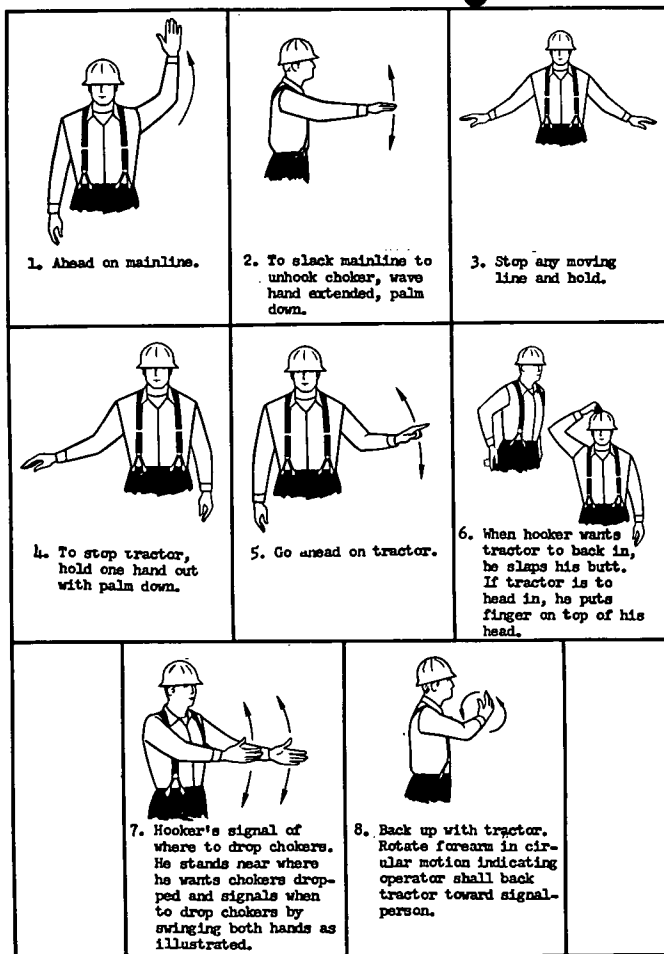
(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

STANDARD SIGNALS FOR TRACTOR LOGGING



(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

(2) A minimum distance of thirty-six-inch clearance(s) shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork-lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS. (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

((+3)) (4) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

((+4)) (5) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS. (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

~~((5))~~ (6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

~~((6))~~ (7) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

~~((7))~~ (8) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

~~((8))~~ (9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-593 DRY LAND SORTING AND STORAGE. (1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, General Occupational Health Standards, pertaining to illumination.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-595 RAILROAD OPERATIONS.

(1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the division of industrial safety and health, department of labor and industries.

(5) Each logging railroad operation which has more than one (~~self-propelled speeder~~) piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the

required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short (o) Stop, apply brakes.
- Two long (--) Release brakes.
- Three long (---) When running, train parted, to be repeated until answered by hand signal.
- Two short (oo) Answer to any signals not otherwise provided for.
- Three short (ooo) When train is standing back.
- Four short (oooo) Call for signals.
- Two long, two short (--oo) Approaching highway crossing at grade.
- One long (-) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
- Six long (-----) Repeated at intervals, call for section men, train derailed.
- One long, three short (-ooo) Flagman to go back and protect rear of train.
- Four long (----) Foreman.
- Five long (-----) Flagman to return from any direction.
- Long, short (-o-o-o) Repeated four or more times, fire alarm.
- Seven long, two short (-----oo) Repeated, man hurt.

One long, one short (-o) Repeated at intervals,
closing down.
Groups of shorts repeated (ooooooo) Danger of
runaway.
Unnecessary use of whistle is prohibited.

AMENDATORY SECTION (Amending Order 79-14,
filed 9/21/79)

WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS. (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) ~~((At the conclusion of the voice transmission, the caller shall give the radio signal system permit number issued by the department of labor and industries.))~~ The federal communications commission rules require that assigned call letters be used in conjunction with voice communications.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

NOTE: If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone

206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregatc. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of ~~((and within three hundred feet of))~~ the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.

WSR 80-02-031
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—January 9, 1980]

In accordance with WAC 261-40-200, the State Hospital Commission's meeting scheduled for Thursday, January 10, 1980 has been continued due to severe inclement weather, to Thursday, January 24, 1980, beginning at 9:30 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenues. Therefore, the tentative agenda, as contained in the notices of December 19, 1979 and revised on January 3, 1980, will not be heard on January 10, 1980.

WSR 80-02-032
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed January 10, 1980]

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 reimbursement for damage or loss caused by child in foster family care, new WAC 388-70-058.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

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

N. Spencer Hammond
 Executive Assistant
 Department of Social and Health Services
 Mailstop OB-44 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, March 12, 1980, 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, March 19, 1980, in William B. Pope's office, 3-D-14, State Office Building #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 March 12, 1980, and/or orally at 10:00

a.m., Wednesday, March 12, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: January 7, 1980

By: N. S. Hammond

Executive Assistant

NEW SECTION

WAC 388-70-058 REIMBURSEMENT FOR DAMAGE OR LOSS CAUSED BY CHILD IN FOSTER FAMILY CARE. (1) Within the limits of the sixty-nine thousand dollars allotted for this purpose for the 79-80 biennium, the department may reimburse foster family providers caring for children, for whom this department is making payment, for some damages or losses incurred by the provider and caused by children in their care. Claims shall be limited to three hundred dollars per claim no matter what type of loss is incurred. Claims must be submitted to the department within thirty days of their occurrence. Determination of the payability of claims will be made by the department's regional office. Reimbursement will be based upon documentation of the cost of replacement and of the cause of the loss.

(2) The sole recourse for an appeal of an award, or failure to make an award, shall be to request a re-review by the regional director's office.

WSR 80-02-033
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 1474—Filed January 10, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to reimbursement for damage or loss caused by child in foster family care, new WAC 388-70-058.

I, N. Spencer Hammond, 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 substantially improved services to foster parents will result.

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 January 7, 1980.

By N. S. Hammond
 Executive Assistant

NEW SECTION

WAC 388-70-058 REIMBURSEMENT FOR DAMAGE OR LOSS CAUSED BY CHILD IN FOSTER FAMILY CARE. (1) Within the limits of the sixty-nine thousand dollars allotted for this purpose for the

79-80 biennium, the department may reimburse foster family providers caring for children, for whom this department is making payment, for some damages or losses incurred by the provider and caused by children in their care. Claims shall be limited to three hundred dollars per claim no matter what type of loss is incurred. Claims must be submitted to the department within thirty days of their occurrence. Determination of the payability of claims will be made by the department's regional office. Reimbursement will be based upon documentation of the cost of replacement and of the cause of the loss.

(2) The sole recourse for an appeal of an award, or failure to make an award, shall be to request a re-review by the regional director's office.

WSR 80-02-034

ADOPTED RULES

DEPARTMENT OF EMPLOYMENT SECURITY

[Order 1-80—Filed January 10, 1980]

I, Eugene Wiegman, Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules to penalties for delinquent employer reports and contributions; and application of unemployment contributions payments.

This action is taken pursuant to Notice No. WSR 79-12-105 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 10, 1980.

By Eugene Wiegman
Commissioner

NEW SECTION

WAC 192-12-041 APPLICATION OF PAYMENTS. (1) Any payment received with a contribution report will be applied to the quarter for which the report is filed. Any payment exceeding the contributions due for that quarter will be applied to prior indebtedness in the manner provided in subsection (2). If no prior indebtedness exists, a credit statement will be issued for any overpayments.

(2) Any payment received without a contribution report will be applied in the following order of priority, beginning with the oldest quarter's indebtedness first:

- (a) Lien fees
- (b) Warrant fees

- (c) Late contribution report penalty
- (d) Late contribution penalty
- (e) Interest charges (prior and current)
- (f) Contributions

NEW SECTION

WAC 192-12-042 REPORTS AND CONTRIBUTIONS SUBJECT TO PENALTY. (1) Contribution Reports. Any employer who fails to file in a timely and complete manner a contribution report as described in WAC 192-12-030(2)(a) shall be subject to a penalty of ten dollars per violation, unless such penalty is waived by the commissioner.

(2) Other Reports. Any decision to assess a penalty for the filing of any other report described in WAC 192-12-030 in an untimely or incomplete manner shall be made on an individual basis by the commissioner or the chief administrative officer of the tax branch as provided in RCW 50.12.220.

(3) Delinquent Contributions. For purposes of RCW 50.12.220 which provides penalties for delinquent contributions, contributions will be deemed delinquent as provided in WAC 192-12-040 and RCW 1.12.070. No penalty so added shall be less than two dollars per quarter.

(4) The department may, for good cause, waive penalties in the following types of situations:

(a) The return was filed on time but inadvertently mailed to another agency;

(b) The delinquency was due to an action of an employee or an officer of the Employment Security Department, including but not limited to, providing erroneous information to the employer in writing or orally when the source is identifiable, or not furnishing proper forms in sufficient time to permit the timely filing of tax reports or the timely payment of contributions;

(c) The delinquency was caused by death or serious illness of the employer or member of the employer's immediate family, or illness or death of the employer's accountant or member of the accountant's immediate family, prior to the filing date.

(d) The delinquency was caused by the destruction by fire or other casualty of the employer's place of business or business records.

(5) A request for a waiver of penalties must: Be in letter form, contain all pertinent facts, be accompanied by such proof as may be available and be filed through a tax office. In all cases the burden of proving the facts is upon the employer.

(6) The department, for good cause, may extend the due date for filing a report. Any extension will be conditioned upon deposit by the employer with the department of an amount equal to the estimated tax liability for the reporting period or periods for which the extension is granted. This deposit will be credited to the employer's account and will be applied to the employer's indebtedness. The amount of the deposit is subject to departmental approval.

WSR 80-02-035
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed January 10, 1980]

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 service limited to license and order—Room service—Price list (Rule 19), WAC 314-16-040;

that such agency will at 9:30 a.m., Tuesday, January 22, 1980, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 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, January 22, 1980, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to January 22, 1980, and/or orally at 9:30 a.m., Tuesday, January 22, 1980, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-010 filed with the code reviser's office on December 11, 1979.

Dated: January 10, 1980
 By: Leroy M. Hittle
 Member

WSR 80-02-036
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 80-02]

**ESTABLISHING GOVERNOR'S OFFICE ON
 INDIAN AFFAIRS**

WHEREAS, the state of Washington recognizes its responsibility toward our state's first-citizens, the American Indians; and

WHEREAS, the state of Washington recognizes a need to work with tribal governments and carry out its responsibilities for and on behalf of Indian citizens; and

WHEREAS, disputes, both legal and moral, have existed for years regarding questions of legal jurisdiction over Indians and Indian lands in the state of Washington; and

WHEREAS, it is the desire of this administration to work with Indian tribes to establish a relationship involving tribal, local, state and federal governments that will be conducive to improving communications and facilitating joint problem solving efforts; and

WHEREAS, because of the complexity of today's issues, the Governor's Indian Advisory Council, previously assigned responsibility for dealing with Indian areas of concern, no longer is the most effective method of addressing Indian interests.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, by virtue of the power vested in me, hereby direct as follows:

1. There shall be established a Governor's Office of Indian Affairs, which shall replace the Governor's Indian Advisory Council.
2. The Office of Indian Affairs shall have the following responsibilities:
 - a. Assist the Governor in the development of effective policies and recommend legislation which will guide the state of Washington, Indian tribal governments and Indian organizations.
 - b. Advise state agencies and departments concerning issues relative to the Indian tribes and organizations of Washington State.
 - c. Act as the Governor's liaison between the state of Washington, Indian tribal governments and Indian organizations.
 - d. Act as liaison and advisor to the Governor and state agencies on federal legislation and policies in Indian affairs.
 - e. Provide assistance to Indian citizens in their efforts to work with state government to resolve mutual problems and concerns.
 - f. Advise the Governor on the appropriate and effective role of state government in inter-governmental mechanisms that involve the participation of Indian tribal governments to better federal, local, state and tribal relations.

All of the provisions of Executive Order 72-11 (signed October 30, 1972) are hereby rescinded and revoked.

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
 9th day of January, A.D.
 nineteen hundred and
 eighty.

Dixy Lee Ray

 Governor of Washington

BY THE GOVERNOR:

Bruce K. Chapman

 Secretary of State

WSR 80-02-037
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 140—Filed January 11, 1980]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to Sick leave—Reporting—Payment, amending WAC 356-18-070.

This action is taken pursuant to Notice No. WSR 79-12-077 filed with the code reviser on 11/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 10, 1980.
By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

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

(2) Upon ~~((the))~~ returning to work the employee shall ~~((complete a written statement explaining the nature of the absence))~~ report the general reason or circumstance for the sick leave as found in 356-18-060 (1) through (6). ~~((The appointing authority may require a))~~ A medical certificate may be required for any length of sick leave taken, but must be required if the reason was personal illness as cited in 356-18-060 (1) (a), (b), or (c), and continued for more than ten continuous work days.

(3) Sick leave shall be charged ~~((in units of half or full days or if the agency wishes))~~ on an hourly basis.

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

WSR 80-02-038
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 11, 1980]

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 356-14-140 Salary—Increase on promotion.
- Amd WAC 356-22-030 Recruitment—Promotional—Notice requirements.
- Amd WAC 356-26-030 Register designation;

that such agency will at 10:00 a.m., Thursday, February 14, 1980, in the Board Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, February 14, 1980, in the Board Room, 600 South Franklin, Olympia, WA 98504.

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 February 12, 1980, and/or orally at 10:00 a.m., Thursday, February 14, 1980, Board Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-013 filed with the code reviser's office on 11/13/79.

Dated: January 10, 1980
By: Leonard Nord
Secretary

WSR 80-02-039
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 11, 1980]

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 356-15-050 Holiday compensation.
- Amd WAC 356-15-120 Special assignment pay provisions.
- New WAC 356-18-015 Leaves and holidays pay—Days—Hours.
- Amd WAC 356-18-020 Holidays.
- Amd WAC 356-18-025 Holidays—Selected personal holiday, regulations governing.
- Amd WAC 356-18-030 Holidays—Rules, regulations governing.
- Amd WAC 356-18-040 Holidays—During leave without pay.
- Amd WAC 356-18-090 Vacation leave—Accrual;

that such agency will at 10:00 a.m., Thursday, February 14, 1980, in the Board Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, February 14, 1980, in the Board Room, 600 South Franklin, Olympia, WA 98504.

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 February 12, 1980, and/or orally at 10:00 a.m., Thursday, February 14, 1980, Board Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-077 filed with the code reviser's office on 11/30/79.

Dated: January 10, 1980

By: Leonard Nord
Secretary

WSR 80-02-040

**NOTICE OF PUBLIC MEETINGS
DATA PROCESSING AUTHORITY**
[Memorandum—January 11, 1980]

**NOTICE OF RESCHEDULED JANUARY
MEETING OF THE DATA PROCESSING
AUTHORITY**

The regular meeting of the Authority for January has been delayed one week to Wednesday, January 16, 1980. It will be held at 1:30 p.m. in the Board Room of the Administration Building at Olympia Technical Community College, following the same agenda as was distributed previously. A closed Executive Session will be held immediately following the regular meeting, in order to discuss the selection of a permanent Executive Director of the Data Processing Authority staff.

WSR 80-02-041

**ADOPTED RULES
WASHINGTON STATE LIBRARY
(Library Commission)**
[Order 1-80—Filed January 11, 1980]

Be it resolved by the Washington State Library Commission, acting at Carvery Restaurant Auditorium, Seattle-Tacoma Airport, that it does promulgate and adopt the annexed rules relating to rules and regulations for implementing the Washington Library Network, SB 3094, chapter 31, Laws of 1976, 2nd ex. sess., chapter 304-25 WAC.

This action is taken pursuant to Notice Nos. WSR 79-05-126 and 79-05-127 filed with the code reviser on May 2, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 27.26 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 December 13, 1979.

By R. Swartz
State Librarian

Chapter 304-25 WAC
**WASHINGTON LIBRARY NETWORK ((, RULES
AND REGULATIONS))—WASHINGTON LI-
BRARY NETWORK COMPUTER SERVICE**

WASHINGTON LIBRARY NETWORK

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-010 GENERAL DESCRIPTION OF THE WASHINGTON LIBRARY NETWORK (WLN). (1) The Washington library network, hereinafter referred to as the network, consists of four components: An interlibrary system, a reference/referral system, a telecommunications system, and ((a computer system)) the use of the WLN computer service, which facilitates resource sharing.

(2) The Washington state library commission is responsible for the network and exercises general supervision and control consistent with the enacting legislation and RCW 27.04.010 through 27.04.080.

(3) The executive officer of the network is the Washington state librarian who is in charge of the offices of the network, and exercises all powers and duties delegated by the Washington state library commission.

(4) The Washington state library commission adopts as the rules of practice for the network ((the)) uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, except as otherwise provided in WAC 304-12-010 through 304-20-100, subject to amendments by the Washington state library commission from time to time by a majority vote thereof.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-020 PURPOSE. (1) The following rules and regulations are adopted for the purpose of establishing procedures whereby libraries and related institutions and organizations can cooperate and coordinate library/information services to benefit the residents of ((the)) Washington state.

(2) The network shall provide for, but not be limited to, the processing, storing, transferring and sharing of information and resources to meet the needs of libraries and their present and potential users.

(3) The network, through ((designated Resource Centers)) its members, shall make available resources to respond to the library/information needs of the ((state's residence)) library user.

(4) The network may participate as a node in a regional and/or national bibliographic network.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-030 DEFINITIONS. (1) "Communication systems" are methods by which information, thoughts, or opinions are exchanged, transmitted or imparted across distances by writing, signs, telecommunication or public or private delivery services.

(2) "Computer service" means the communications facilities, computers, and peripheral computer devices and software supporting the automated library system and resource sharing network, developed by the state of Washington.

(3) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction, workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

~~((3) "Educational Service District" is a governmental unit which encompasses multiple school districts, the purposes of which include the provision of cooperative and informational services in local school districts:))~~

(4) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library.

(5) "Interlibrary system" is defined as a cooperative, or agreements among libraries, library systems, and/or related organizations and institutions crossing jurisdictional, institutional, and/or political boundaries to provide a common enterprise for mutual benefits.

(6) ((("Library system" means any of the following:

~~(a) Two or more tax supported governmental units such as municipalities, districts, or any other governmental unit entering into a contract to provide library service;~~

~~(b) One governmental unit providing library services through various service outlets; or~~

~~(c) Two or more libraries which have entered into a contract to provide library services on a cooperative basis:)) "Library" means any of the following:~~

~~(a) Academic library in a community college, college or university either publicly or privately funded;~~

~~(b) Public library supported in whole or in part with moneys derived from taxation, which renders library/information service to the general population;~~

~~(c) School learning resources centers in the publicly supported common school system or in a privately supported school;~~

~~(d) Special library in public or private sector whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele.~~

~~(7) ((("Membership" categories are as follows:~~

~~(a) Basic Membership requires a written agreement to participate in reference/referral and interlibrary loan services using communication system(s) for information exchange;~~

~~(b) Cooperative Membership requires basic membership, plus a contract with a Principal Member or with the Network Service Center, to purchase products and to contribute to the data base of the computer system;~~

~~(c) Principal Membership requires basic membership and contributions to the data base through on-line access to the computer system:)) "Library service area" is a geographic subdivision of Washington state, established by the Washington state library commission,~~

within which libraries organize for the purpose of working cooperatively to promote multitype library cooperation and mutual support at the local level. Boundaries of library service areas are determined on the basis of the following criteria: Existing public library boundaries; commonality with existing boundaries of multicounty educational and social agencies; location of public institutions of higher education; recognition of current transportation and communication patterns; and population.

(8) "Network" means the Washington library network which is an organization of autonomous, geographically dispersed participants using the ((Washington Library Network computer system, telecommunications systems, interlibrary systems and reference and referral systems)) interlibrary system, the reference and referral system, the telecommunications system, and the WLN computer service to facilitate resource sharing.

(9) "Network service center" is ((the unit of)) the Washington state library which is responsible for the efficient, effective, and coordinated development and utilization of the network components.

~~(10) ((("Privately funded library" is a library whose financial support is not primarily from public funds:~~

~~(11) "Proprietary resources" are those to which access by the general population is limited and/or restricted:~~

~~(12)) "Protocols" ((of the Washington Library Network)) are codes or rules prescribing correct or preferred methods, or routines of accessing and using the resources and services ((of the Network)).~~

~~((13) "Public Library" is an agency supported in whole or in part with moneys derived from taxation, which renders library/information service to the general population:~~

~~(14) "Public schools" mean the common schools as referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense:~~

~~(15)) (11) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.~~

~~((16) "Resource center" means a library which, because of its breadth and/or depth of resources, is contracted to provide a service to libraries in differing jurisdictions:~~

~~(17)) (12) "Resource sharing" means a system whereby all people in the state of Washington may have access to library and information resources through utilization of established protocols and procedures regardless of the individual's location, social or physical condition or level of intellectual development.~~

~~(13) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.~~

~~((18) "Software" consists of the intellectual instructions, such as a computer program, which govern machine operations.~~

~~(19) "Special library" is one whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele.~~

~~(20)) (14) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system. The telecommunications associated with the computer service shall be excluded from network purview.~~

~~((21) "Washington Library Network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the State of Washington.~~

~~(22) "Public academic libraries" are those which provide library/information services in the institutions described in Title 28B RCW, Higher Education Section.~~

~~(23) "Library Service Area" is a geographic subdivision of the state established by the Washington State Library Commission within which members of the Washington Library Network shall organize for the purposes of working cooperatively within the Network to promote multitype library cooperation and mutual support at the local level.))~~

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-040 NETWORK ORGANIZATION. (1) The network members shall consist of autonomous, geographically dispersed libraries, library systems, and related organizations and institutions which have accepted by written agreement the purposes of the network and the responsibilities and rights of membership.

(2) The library service area shall participate in the determination of network programs, services and activities through representation ~~((in the Representative Assembly))~~ on the executive council.

(3) An executive council shall be ~~((elected from and by the Representative Assembly))~~ composed of representatives from the network membership, elected by and from the library service areas, and shall have the responsibilities and rights outlined in WAC 304-25-100.

(4) ~~((The executive officer of the Network and the Network Service Center, a unit of))~~ The Washington state library, shall provide assistance for the efficient, effective, and coordinated development and utilization of the network components.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-050 WLN MEMBERSHIP. (1) Any library or library system ~~((in Washington))~~ is eligible for membership in the network, and any institution or organization financially supporting library/information

services may provide membership for that library/information service.

(2) Written agreements between and among libraries for interlibrary systems or other cooperative undertakings for mutual advantage can be established as provided in chapter 39.34 RCW in order to improve services by more effective participation in any or all components of the network.

~~((3) Categories of membership are Basic Membership, Cooperative Membership, and Principal Membership.))~~

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-060 WLN MEMBERSHIP RESPONSIBILITIES AND RIGHTS. (1) Each member shall agree to: Share resources with the exception that rare~~((, proprietary))~~ or restricted materials may be exempt; implement and use standards and protocols; avail ~~((themselves))~~ itself of continuing education and training opportunities provided by the network; ~~((and))~~ provide continuous training and re-education of staff and users for effective utilization of the network~~((Principal and Cooperative Members shall, in addition, contribute to the data-base)),~~ and participate in reference/referral and interlibrary loan services using communication systems for information exchange among all types of libraries.

(2) Each member shall participate in determining the programs, services, and activities of the network through the appropriate organizational bodies.

~~((3) Each member shall have the right to negotiate change of membership status.))~~

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-090 WLN EXECUTIVE COUNCIL. (1) ~~((The Executive Council hereinafter referred to as the Council, shall be composed of eleven representatives elected from and by the Assembly, for a term of three years. For the initial establishment of the Council three representatives shall be elected for a one-year term, four elected for a two-year term, and four for a three-year term; thereafter all terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service.))~~ The executive council, hereinafter referred to as the council, shall be composed of seven representatives elected from and by the library service area network membership, for a term of three years. For the initial establishment of the council, each of the seven library service areas shall elect a representative and a council alternate for each library service area, with two representatives elected for a one-year term, three elected for a two-year term, and two for a three-year term; thereafter all terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service. The library service areas should be encouraged to consult with each other during the nomination process in order to ensure a balanced representation from all types and sizes of libraries.

(2) ~~((The Council shall have the following library representation: Three representing public libraries; one representing the public state universities; one representing the public four-year colleges; one representing the public community colleges; one representing the public schools and/or Educational Service Districts; one representing nonacademic special libraries; one representing privately-funded colleges and universities; and two members-at-large.))~~ The executive officer of the network ~~((and the executive director of the Washington State Data Processing Authority))~~ or his/her designee shall have ex officio and nonvoting status in the council.

(3) Council representatives shall serve no more than two consecutive full terms. Former ~~((representatives to))~~ members of the council, after an interval of at least one year, may be reelected to the council.

(4) Any vacancy which occurs during an unexpired term shall be filled by appointment of the alternate by the council ~~((from the same constituency in which the vacancy occurs)).~~

(5) Officers of the council shall be the chairperson and ~~((Vice-Chairperson))~~ vice chairperson who shall be elected from and by the council for a one-year term. The executive officer of the network or designee, shall serve as secretary to the council.

(6) The council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

(7) The council shall nominate three executive council members, one of whom shall be appointed by the Washington state library commission to serve as liaison and voting member of the WLN computer service council.

(8) The council shall encourage the coordination with regional resource sharing networks including, but not limited to the pacific northwest bibliographic center.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-100 WLN EXECUTIVE COUNCIL, RESPONSIBILITIES AND RIGHTS. (1) The council has the responsibility to develop policy recommendations. Council recommendations shall be presented by the executive officer of the network to the Washington state library commission for its consideration.

(2) The council shall develop, adopt, and/or maintain procedures, protocols and standards, promote and support cooperative programs, services, and activities; review and evaluate the effectiveness of network services; appoint committees and task forces ~~((such as technical, fiscal, program review));~~ recommend performance criteria, responsibilities, and terms of contracts; and identify other concerns and responsibilities for the improvement of network efficacy and services.

(3) The council through its liaison shall coordinate appropriate activities with the computer service to provide efficient services for libraries and their present and potential users.

(4) The council shall continually evaluate the progress of the operation, including the use of consultants, committees, audits and questionnaires and focus on performance, financial status, internal and external interrelationships and governance.

(5) The council shall maintain on-going communication both with local units within the state and appropriate units outside the state.

(6) In appointing committees and task forces, the ((Executive)) council shall consider the inclusion of users of libraries in order to include the point of view of the ultimate consumer, where appropriate, and/or incorporate special skills and expertise which would enhance the overall capabilities of the working group.

~~((4))~~ The Council shall receive from the executive officer of the Network and shall transmit to the State Library Commission a preliminary annual budget and an annual report.

~~(5))~~ (7) The council shall receive from the executive officer of the network and shall review and transmit to the Washington state library commission long range plans, an annual report, and a preliminary annual budget.

(8) The council shall meet at least ((semi-annually)) quarterly consistent with chapters 42.30 and 42.32 RCW.

~~((6))~~ (9) The council shall not be compensated for service but shall be reimbursed for subsistence, lodging, and travel expenses for council meetings and approved business of the council as provided in chapter 43.03 RCW as now or hereafter amended.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-110 ((WLN SERVICE CENTER)) WASHINGTON STATE LIBRARY. (1) The ~~((Service Center))~~ Washington state library shall support and monitor the implementation of standards and protocols; maintain access to state, national, and international information resources; perform and support research and development related to library/information services; provide continuing education and training for members of the network; compile information for the review and evaluation of services and the effectiveness of the network; and other tasks and duties toward the maintenance and improvement of network efficacy and services.

(2) The Washington state library commission has the power to contract with other states, public and private library agencies, and/or networks as provided in chapter 27.18 RCW for provision of information, services, and products, and for the reciprocal sharing of resources.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-120 PUBLIC RECORDS AVAILABLE. (1) All public records of the network, as defined in WAC 304-20-020, are deemed to be available for public inspection and copying pursuant to WAC 304-20-010 through 304-20-100, except as otherwise provided below.

(2) All personal records in the network are confidential and will be exempt from public inspection and copying under the provisions of RCW 42.17.310 as now or hereafter amended.

(3) Financial records of nonpublic institutions or organizations will be exempt from public availability, inspection, and copying.

WASHINGTON LIBRARY NETWORK COMPUTER SERVICE

NEW SECTION

WAC 304-25-510 GENERAL DESCRIPTION OF THE WASHINGTON LIBRARY NETWORK COMPUTER SERVICE. (1) The Washington library network computer service, hereinafter referred to as the computer service, consists of the communication facilities, computers, peripheral computer devices and software supporting the automated library system and resource sharing network developed by the state of Washington, which was designed to support and facilitate resource sharing.

(2) The Washington state library commission is responsible for the computer service and exercises general supervision and control consistent with the enacting legislation and RCW 27.04.010 through 27.04.080.

(3) The executive officer of the computer service is the Washington state librarian who is in charge of the offices of the computer service, and exercises all powers and duties delegated by the Washington state library commission.

(4) The Washington state library commission adopts as the rules of practice for the computer service uniform procedural rules codified in the Washington administrative code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, except as otherwise provided in WAC 304-12-010 through 304-12-100, subject to amendments by the Washington state library commission from time to time by a majority vote thereof.

NEW SECTION

WAC 304-25-520 PURPOSE. (1) The following rules and regulations are adopted for the purpose of establishing procedures whereby libraries and related institutions and organizations can cooperate and coordinate library/information computer services to benefit resource sharing and ultimately to benefit the residents of Washington state and the pacific northwest.

(2) The computer service shall provide for, but not be limited to, the processing, storing, transferring and enabling the sharing of information and resources to meet the needs of libraries and their present and potential users.

(3) The computer service may participate as a node in a national bibliographic network.

NEW SECTION

WAC 304-25-530 DEFINITIONS. (1) "Computer service" means the communication facilities, computers, peripheral computer devices and software supporting the

automated library system and the resource sharing network developed by the state of Washington.

(2) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction, workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

(3) "Membership" categories are as follows:

(a) Principal membership requires both ownership or lease of bibliographic terminals and the input of appropriate cataloging and holdings records and allows the use of other subsystems such as acquisitions.

(b) On-line membership involves responsibilities and privileges identical to those of principal members; it differs only in that the relationship to the WLN computer service is defined by an agreement with a principal member.

(c) Associate membership allows indirect access to the computer service through a principal or on-line member and requires contract with a principal or on-line member for input of original cataloging and holdings records.

(4) "Protocols" are codes or rules prescribing correct or preferred methods or routines of accessing and using the resources and services.

(5) "Resource sharing" means a system whereby all people may have access to library and information resources through utilization of established protocols and procedures regardless of the individual's location, social or physical condition or level of intellectual development.

(6) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.

(7) "Software" consists of the intellectual instructions, such as a computer program, which govern machine operations.

(8) "Telecommunications" consists of the facilities necessary to accommodate terminal - terminal, terminal - computer, and computer - computer communication.

NEW SECTION

WAC 304-25-540 COMPUTER SERVICE ORGANIZATION. (1) The computer service members shall consist of autonomous, geographically dispersed libraries, library systems, and related organizations and institutions which have accepted by written agreement the purposes of the computer service and the responsibilities and rights of membership.

(2) Members in participating states shall be involved in the determination of computer service programs, services, and activities through representation in the appropriate organizational state-wide body as determined within the respective state.

(3) State bodies shall participate in the determination of computer service programs, services, and activities through representation on the WLN computer service council.

(4) The WLN computer service council shall be composed of elected representatives from the computer service membership and shall have responsibilities and rights outlined in WAC 304-25-570.

(5) The executive officer of the computer service shall be responsible for the efficient, effective, and coordinated development and utilization of the computer service.

NEW SECTION

WAC 304-25-550 **COMPUTER SERVICE MEMBERSHIP.** (1) Any library or library system is eligible for membership in the computer service, and any institution or organization financially supporting library/information services may provide membership for that library/information service.

(2) Written agreements for cooperative undertakings for mutual advantage for libraries in the pacific northwest can be established as provided in the Interstate Compact as entered into by respective states.

(3) Categories of membership are principal, on-line, and associate.

NEW SECTION

WAC 304-25-555 **COMPUTER SERVICE MEMBERSHIP RESPONSIBILITIES AND RIGHTS.** (1) Each member shall agree to: Store bibliographic records in the computer, share resources with the exception that rare or restricted materials may be exempt; implement computer system standards and protocols; participate in continuing education and training opportunities provided by the computer service; and provide continuous training and reeducation of staff and users for effective utilization of the computer service.

(2) Each member shall participate in determining the programs, services and activities of the computer service through the appropriate organizational bodies in the respective states.

(3) Each member shall have the right to negotiate change of membership status.

NEW SECTION

WAC 304-25-560 **COMPUTER SERVICE COUNCIL.** (1) The WLN computer service council hereinafter referred to as the computer service council shall have an upper limit of eleven representatives elected from and by the members in participating states. For the initial establishment, the Washington state library commission shall appoint a committee composed of current computer service members of Washington state to nominate candidates for the positions designated for Washington participants. Initially, their terms shall be staggered. Thereafter, all terms shall be for three years except when resignation, withdrawal from membership or other factors may limit the term of service. Two Washington state alternates will also be selected at each election for a one-year term. Washington representatives shall be elected by principal members in Washington state.

(2) The computer service council shall have the following representation: Four members representing libraries within Washington state, three of whom shall be

from principal member libraries; one member representing each of the other states where at least five libraries participate in the computer service. The executive officer of the computer service and a representative of the Washington library network executive council shall have ex officio and voting status. The executive officer of the Washington data processing authority and a representative of the pacific northwest bibliographic center shall have ex officio and nonvoting status.

(3) Elected representatives on the computer service council shall serve no more than two consecutive full terms. Former representatives, after an interval of at least one year, may be reelected.

(4) Any vacancy which occurs among Washington representatives during an unexpired term shall be filled by appointment from the alternate position as designated by the council.

(5) Officers of the computer service council shall be the chairperson and vice chairperson who shall be elected from and by the computer service council for a one-year term. The executive officer of the computer service, or designee, shall serve as secretary.

(6) The computer service council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

NEW SECTION

WAC 304-25-570 **COMPUTER SERVICE COUNCIL—RESPONSIBILITIES AND RIGHTS.** (1) The computer service council has the responsibility to develop policy recommendations. The recommendations shall be presented by the executive officer of the computer service to the Washington state library commission for its consideration.

(2) The computer service council shall develop, adopt, and/or maintain, protocols and standards, promote and support cooperative programs, services, and activities; review and evaluate the effectiveness of computer service services; appoint committees and task forces; recommend performance criteria, responsibilities, and terms of contracts; and identify other concerns and responsibilities for the improvement of computer service efficacy and services.

(3) The council shall continually evaluate the progress of the operation, including the use of consultants, committees, audits and questionnaires and focus on performance, financial status, internal and external inter-relationships, and governance.

(4) The council shall maintain on-going communication with appropriate units.

(5) In appointing committees and task forces, the computer service council shall consider the inclusion of users of libraries in order to include the point of view of the ultimate consumer, where appropriate, and/or incorporate special skills and expertise which would enhance the overall capabilities of the working group.

(6) The computer service council shall encourage the coordination of activities with Washington library network and with other multistate resource sharing networks.

(7) The computer service council shall receive from the executive officer of the computer service and shall

review and transmit to the Washington state data processing authority and the Washington state library commission long range plans, an annual report, a preliminary annual budget, and shall annually review and recommend adjustments in service rates and marketing patterns as appropriate.

(8) The computer service shall meet at least quarterly consistent with chapters 42.30 and 42.32 RCW.

(9) The computer service council shall not be compensated for service but shall be reimbursed from computer service revenue for subsistence, lodging, and travel expenses for meetings and approved business as provided in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION

WAC 304-25-580 COMPUTER SERVICE. (1) The computer service shall support and monitor the implementation of standards and protocols; maintain and support access to state, national, and international information resources; perform and support research and development related to library/information services; provide continuing education and training for membership; compile information on the services and the effectiveness of the computer service for review by the computer service council; and other tasks and duties as necessary to maintain and improve computer service efficacy and services.

(2) The Washington state library commission has the power to contract with other state agencies, other states, public and private library agencies, private vendors, and/or networks as provided in chapters 27.18 and 39.34 RCW for provision of information, services, and products, and for the reciprocal sharing of resources.

NEW SECTION

WAC 304-25-590 PUBLIC RECORDS AVAILABLE. (1) All public records of the computer service as defined in WAC 304-25-520 are deemed to be available for public inspection and copying pursuant to WAC 304-25-510 through 304-25-570, except as otherwise provided below.

(2) All personal records in the computer service are confidential and will be exempt from public inspection and copying under the provisions of RCW 42.17.310 as now or hereafter amended.

(3) Financial records of nonpublic institutions or organizations will be exempt from public availability, inspection, and copying.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) **WAC 304-25-070 WLN REPRESENTATIVE ASSEMBLY.**

(2) **WAC 304-25-080 WLN REPRESENTATIVE ASSEMBLY, RESPONSIBILITIES AND RIGHTS.**

WSR 80-02-042

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Order 46—Filed January 14, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibiting parking on both sides of State Route 14 near the North Bonneville Dam construction site, amending WAC 468-42-014.

I, W. A. Bulley, 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 current practice of parking construction workers' vehicles on the shoulders of State Route 14, rather than in company parking areas, is presenting a hazard to through motorists, especially during the parking maneuver and when leaving the shoulder to re-enter the highway.

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

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

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

APPROVED AND ADOPTED January 14, 1980.

By W. A. Bulley
Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-014 STATE ROUTE 14. (1) North Bonneville vicinity. No parking any time along both sides of State Route 14 from Mile Post 38.92 to Mile Post 39.82, a distance of 0.90 miles.

(2) Vicinity of Lyle market. No parking any time on the north side of the street from Junction 6th Street, at Mile Post 76.21, to a point 0.04 mile east of Junction 6th Street, at Mile Post 76.25, a distance of 0.04 mile.

WSR 80-02-043

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-3—Filed January 14, 1980]

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 Nisqually River chum salmon.

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

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

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

APPROVED AND ADOPTED January 14, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-01300Q **CLOSED AREA** Effective immediately through January 31, 1980, 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 in Puget Sound Salmon Management and Catch Reporting Area 13.

NEW SECTION

WAC 220-28-013G0G **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 with any type of gear from the waters of the Nisqually River.

WSR 80-02-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-2—Filed January 14, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial bottomfish 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 incidental catches of chinook salmon have been observed in Pacific Cod set net catches during late January and early February in Port Townsend Bay and Kilisut Harbor in previous years.

Dogfish set nets are also prohibited to prevent fishing for cod under the guise of fishing dogfish.

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

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

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

APPROVED AND ADOPTED January 14, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-48-09100B **CLOSED AREA - SET NET** Notwithstanding the provisions of WAC 220-48-091 and WAC 220-48-096:

(1) effective immediately through February 10, 1980, it shall be unlawful to take, fish for or possess bottomfish taken with set net gear in that portion of Marine Fish - Shellfish Area 25B southerly and westerly of a line from Point Hudson to Marrowstone Point and north of the Indian Island Bridge.

(2) effective February 11 through March 31, 1980, it shall be unlawful to take, fish for or possess bottomfish taken with dogfish set net gear as described in WAC 220-48-095 in that portion of Marine Fish - Shellfish Area 25B described in subsection (1) of this section.

WSR 80-02-045
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed January 14, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning personal-use fishing regulations;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, January 24, 1980, in the Department of Fisheries Conference Room, G.A. Building, Olympia, Washington.

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 5:00 p.m., January 21, 1980.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-113 filed with the code reviser's office on December 5, 1979.

Dated: January 14, 1980
By: Gordon Sandison
Director

WSR 80-02-046
PROPOSED RULES
COMMUNITY COLLEGE DISTRICT 12
 [Filed January 14, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District 12 intends to adopt, amend, or repeal rules concerning parking and traffic regulations, chapter 132L-30 WAC;

that such institution will at 7:00 p.m., Thursday, March 13, 1980, in the Boardroom, Olympia Technical Community College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Thursday, March 13, 1980, in the Boardroom, Olympia Technical Community College.

The authority under which these rules are proposed is chapters 25B.50[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 March 13, 1980, and/or orally at 7:00 p.m., Thursday, March 13, 1980, Boardroom, Olympia Technical Community College.

Dated: January 11, 1980

By: Nels W. Hanson
 District President

PARKING AND TRAFFIC REGULATIONS
OLYMPIA TECHNICAL COMMUNITY COLLEGE

NEW SECTION

WAC 132L-30-010 PURPOSE FOR ADOPTING PARKING TRAFFIC REGULATIONS. Pursuant to the authority granted by RCW 28B50.140 (10), the Board of Trustees of Community College District 12, on behalf of Olympia Technical Community College is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by the college district. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency traffic.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the College by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.
- (5) To regulate the use of parking spaces.
- (6) To protect state owned property.

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 132L-30-020 APPLICABLE PARKING AND TRAFFIC REGULATIONS. The other rules and regulations which are also applicable upon the campus include:

- (1) The Motor Vehicle and Traffic Laws of the State of Washington. These shall be applicable upon all lands located within the State of Washington.
- (2) The Traffic Code of the City of Olympia. This code applies upon all lands located within the City of Olympia.
- (3) The OTCC Parking and Traffic Regulations. These shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, recreational, or parking activities of the college. In case of conflict between the provisions of the Motor Vehicle and other Traffic Laws of the State of Washington and OTCC Parking and Traffic Regulations, the provisions of the State of Washington Motor Vehicle Laws shall govern.

NEW SECTION

WAC 132L-30-030 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Students, faculty and staff members shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132L-30-040. All persons parking on the campus will be given five (5) academic days after registration to secure and display a temporary or permanent permit.

NEW SECTION

WAC 132L-30-040 AUTHORIZATION FOR ISSUANCE OF PERMITS. The Dean of Administrative Services, or designee, is authorized to issue parking permits to students, administrators, faculty, staff, guests and visitors to the college, pursuant to the following regulations:

- (1) A person may be issued a parking permit upon the proper registration of his/her vehicle with the college.
- (2) The Dean of Administrative Services, or designee, may issue temporary, permanent or special parking permits when such permits are necessary to enhance the business or operation of the college.
- (3) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee shall be permitted to park on campus at any one time.
- (4) Persons who pay the current fee for parking permits and who later request a refund shall receive refunds according to the refund policy published in the college catalogues and bulletins.

NEW SECTION

WAC 132L-30-050 VALID PERMIT. A valid parking permit is:

- (1) An unexpired annual parking permit.
- (2) A temporary parking permit.
- (3) A special parking permit.
- (4) A visitor's parking permit.
- (5) No permit will be valid for more than one (1) year from date of purchase.

NEW SECTION

WAC 132L-30-060 DISPLAY OF PERMITS. The vehicle permit issued by the College shall be permanently and visibly affixed on the left rear bumper of the vehicle. Permits not displayed in accordance with provisions of this section shall not be valid and vehicles displaying an improperly placed permit shall be subject to citation. Permits will be displayed on the front forks of a motorcycle.

NEW SECTION

WAC 132L-30-070 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder.

NEW SECTION

WAC 132L-30-080 PERMIT REVOCATION. Permits are licenses and the property of the College, and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person.
- (3) Falsification on a vehicle registration application.
- (4) Continued violations of parking regulations.
- (5) Counterfeiting or altering of permits.

NEW SECTION

WAC 132L-30-090 RIGHT TO REFUSE PERMIT. The college (Dean of Administrative Services or designee) reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked or refused or to anyone whose driving or parking record indicates a disregard for the rights or safety of others.

NEW SECTION

WAC 132L-30-100 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT. When a parking permit has been recalled pursuant to WAC 132L-30-080 or has been refused in accordance with WAC 132L-30-090 or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the Dean of Administrative Services, or designee, may be appealed through the established channels.

NEW SECTION

WAC 132L-30-110 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a parking permit is issued shall be responsible for all violations of said rules and regulations involving the vehicle; however, such responsibility shall not relieve any driver of the responsibility for violations of the regulations established by this chapter. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus regulations.

NEW SECTION

WAC 132L-30-120 DESIGNATION OF PARKING. The parking space available on campus may be allocated and designated by the Dean of Administrative Services in such a manner as will best achieve the objectives of these rules and regulations.

(1) Faculty, staff and student parking shall be limited to spaces so designated.

(2) Special provisions shall be made for physically handicapped students or their designee. Permanently handicapped individuals must display the handicapped sticker issued by the Department of Motor Vehicles, Disabled Parking. Temporarily handicapped permits will be issued on a quarterly basis by the Dean of Administrative Services.

(3) Visitors parking shall be limited to spaces so designated.

(4) Parking spaces shall be designated for special purposes as deemed necessary

NEW SECTION

WAC 132L-30-130 PARKING FEE EXEMPTIONS. All guests/visitors (including salespersons, maintenance or service personnel) will park in designated parking areas without paying a fee. These include but are not limited to:

(1) Federal, state, county, city, school district and similar governmental personnel on official business in vehicles with tax exempt licenses.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or areas.

(3) Members of the press, televisions, radio and wire services, on official business.

(4) Taxis and commercial delivery vehicles for the pick up and delivery of passengers, supplies and equipment.

(5) Persons attending special college events.

(6) Guests/visitors invited to the campus for the purpose of rendering services to the college.

(7) Persons holding emeritus or similar appointments shall park in designated areas.

NEW SECTION

WAC 132L-30-140 PARKING WITHIN DESIGNATED SPACES. (1) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

NEW SECTION

WAC 132L-30-150 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The Dean of Administrative Services in authorized to make and erect signs, barricades, and other structures and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus patrolmen in the control and regulation of traffic.

NEW SECTION

WAC 132L-30-160 SPEED LIMIT. No vehicle shall be operated on the campus at a speed in excess of twenty (20) miles per hour, or such slower speed as is reasonable and prudent to the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

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 132L-30-170 PEDESTRIAN'S RIGHT-OF-WAY. (1) The operator of a vehicle shall yield right-of-way to any pedestrian. Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

NEW SECTION

WAC 132L-30-180 TWO-WHEELED MOTORBIKES OR BICYCLES. (1) All two-wheeled vehicles powered by an engine may park in areas designated for motorcycles only.

(2) Bicycles and other non-engine powered cycles shall be subject to posted or published regulations as established in this policy.

NEW SECTION

WAC 132L-30-190 REPORT OF ACCIDENTS. (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding \$100 shall immediately report such accident to the Dean of Administrative Services or designee. Operator shall within twenty-four (24) hours after such accident file a State of Washington Motor Vehicle Report.

(2) Other minor accidents may be reported to the Office of Campus Parking and Security for insurance record purposes.

NEW SECTION

WAC 132L-30-200 DISABLED AND INOPERATIVE VEHICLES-IMPOUNDING. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding 72 hours, without authorization from the Dean of Administrative Services.

(2) Vehicles parked over 72 hours without authorization may be impounded and stored at the expense of either or both the owner and operator thereof.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner 48 hours prior to impound.

NEW SECTION

WAC 132L-30-210 ENFORCEMENT. (1) OTCC Parking and Traffic Regulations will be enforced throughout the calendar year on a 24 hour basis.

(2) The Dean of Administrative Services or designee shall be responsible for the enforcement of the regulations contained in this chapter.

NEW SECTION

WAC 132L-30-220 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS. (1) Upon probable cause to believe that a violation of these regulations has occurred the Dean of Administrative Services or designee(s), may issue a signed summons or citation setting forth the date, the approximate time, permit number, license information and nature of violation.

(2) Such summons or traffic citation may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

NEW SECTION

WAC 132L-30-230 VIOLATION OF PARKING AND TRAFFIC REGULATIONS. (1) Operators of illegally operated or parked vehicles which are not subject to impounding under these policies, shall

be warned through an appropriate means that they are in violation of these regulations.

(2) In instances where violations are repeated, and in the judgement of the Dean of Administrative Services, with appropriate documented evidence, said vehicle(s) may be impounded and/or operator fined in accordance with the approved fees and fines schedule. All fines are payable at the cashier's office.

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 132L-30-240 DELEGATION OF AUTHORITY. The authority and powers conferred upon the Dean of Administrative Services by these regulations shall be subject to delegation to that individual's subordinates.

NEW SECTION

WAC 132L-30-250 FINES AND PENALTIES. The authority and powers conferred upon the Dean of Administrative Services, or designee, is authorized to impose the following fines and penalties for violation of the regulations contained in this chapter.

- (1) Fines may be levied for all violations of the regulations contained in this chapter.
- (2) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas may be subject to a fine and may be impounded and taken to such place for storage as the Dean of Administrative Services, or designee, selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle.
- (3) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.
- (4) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.
- (5) At the discretion of the Dean of Administrative Services, an accumulation of traffic citations by a student, staff, administrator or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.
- (6) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.
- (7) A schedule of fines shall be set and reviewed annually by the Parking Advisory Committee. The schedule shall be published in the OTCC Parking and Traffic Regulations and on the traffic citation form.
- (8) In the event a person fails or refuses to pay an uncontested fine which has been outstanding in excess of five (5) school days, the Dean of Administrative Services may initiate the following actions:
 - (a) Student may not be able to obtain transcript of credits.
 - (b) Student may not receive a degree/certificate until all fines are paid.
 - (c) Impounding of vehicle.
 - (9) The following fines and penalties will assessed as follows:

	PAID W/IN 24 HOURS	OVER 24 HOURS
(a) Permit not displayed	\$1.00	\$ 3.00
space (b) Occupying more than one parking	\$1.00	\$ 3.00
for parking (c) Occupying space not designed	\$1.00	\$ 3.00
by permit (d) Parking in area not author-	\$1.00	\$ 3.00
ized (e) Parking in reserved stall	\$1.00	\$ 3.00
(after warnings may be towed) (f) Blocking or obstructing traffic	\$1.00	\$ 3.00
(after warnings may be towed) (g) Parking adjacent to fire	\$1.00	\$ 3.00
hydrant (after warnings may be towed) (h) Parking in fire lane (after	\$1.00	\$ 3.00
warnings may be towed) (i) Parking in zone or area	\$1.00	\$ 3.00
marked no parking (j) Failure to yield right-of-way	\$ 5.00	\$ 5.00
signal (k) Failure to stop at sign or	\$ 5.00	\$ 5.00
(l) Reckless or negligent driving	\$15.00	\$15.00

	PAID W/IN 24 HOURS	OVER 24 HOURS
(m) Other violations of college parking regulations and its objectives	\$1.00	\$ 3.00

NEW SECTION

WAC 132L-30-260 GRIEVANCE PROCEEDINGS: APPEAL OF FINES AND PENALTIES. The alleged violator may appeal a citation before the Parking Advisory Committee.

- (1) The alleged violator must submit the grievance in writing, giving full particulars, listing witness, evidence, etc.
- (2) Grievance must be submitted to the Dean of Students within five (5) school days from date of citation.
- (3) If grievance is not resolved to the satisfaction of the alleged violator, he/she shall have five (5) additional school days from receipt of decision by Dean of Students to appeal to the Parking Advisory Committee.

NEW SECTION

WAC 132L-30-270 LIABILITY OF COLLEGE. The college assumes no liability under any circumstances for vehicles on campus.

NEW SECTION

WAC 132L-30-280 PARKING ADVISORY COMMITTEE. The Parking Advisory Committee shall be structured and responsible for the following purposes:

- (1) To review and recommend necessary changes to the Olympia Technical Community College Parking and Traffic Regulations annually.
- (2) Membership shall consist of:
 - (a) Four student representatives (two in student senate) appointed by the ASB President.
 - (b) Two faculty representatives—appointed by faculty president of OTCC.
 - (c) One classified representative—elected by simple majority of voting classified staff.
 - (d) Dean of Administrative Services—Ex Officio.
- (3) All decisions made by the Parking Advisory Committee relative to traffic appeals shall be final.

NEW SECTION

WAC 132L-30-290 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

- (1) "Administration" shall mean those employees whose job duties are administrative by job description and who exercise supervisory or other managerial responsibilities over other employees.
- (2) "Board" shall mean the Board of Trustees of Community College District 12.
- (3) "Campus" shall mean any or all lands and building devoted to, operated by, or maintained by Olympia Technical Community College, District 12, State of Washington.
- (4) "Campus Patrolman" shall mean a contracted or salaried employee of the college who is responsible to the Dean of Administrative Services for campus traffic control, parking and security.
- (5) "College" shall mean Olympia Technical Community College, District 12, State of Washington and the personnel thereof.
- (6) "Dean of Administrative Services" shall mean the Dean of Administrative Services for Olympia Technical Community College, District 12, State of Washington.
- (7) "Faculty members" or academic employees shall mean any employee of Olympia Technical Community College, District 12, State of Washington who has employment as a teacher, counselor, librarian, or other position where the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.
- (8) "Guests/Visitors" shall mean any person or persons who come upon the campus as guests and person or persons who lawfully visit the campus.
- (9) "Annual permits" shall mean permits which are valid for a calendar year from date of issue. Annual permits are sold during the first ten days of fall quarter.
- (10) "Staff" shall mean the contracted or classified employees of Olympia Technical Community College, District 12, State of Washington.

(11) "Student" shall mean any person who is enrolled in any community college operated by Washington State Community College District 12.

(12) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit.

(13) "Vehicle" shall mean an automobile, truck, motordriven cycle, scooter or any vehicle otherwise powered.

PARKING FEE SCHEDULE

Vehicle Permit:	
(a) Annual—full-time status	\$15.00
(b) Quarterly—faculty/staff/students full-time.	\$ 5.00
(c) Quarterly—faculty/staff/students part-time	\$ 3.00
Miscellaneous Permits:	
(a) Second vehicle permit (and each additional vehicle)	\$ 1.00
(b) Replacement permit (per vehicle)	\$ 1.00
(c) Temporary permit	no charge

WSR 80-02-047

PROPOSED RULES

COMMUNITY COLLEGE DISTRICT 12

[Filed January 14, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District 12 intends to adopt, amend, or repeal rules concerning leave policies, chapter 132L-112 WAC;

that such institution will at 7:00 p.m., Thursday, March 13, 1980, in the Boardroom, Olympia Technical Community College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Thursday, March 13, 1980, in the Boardroom, Olympia Technical Community College.

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 March 13, 1980, and/or orally at 7:00 p.m., Thursday, March 13, 1980, Boardroom, Olympia Technical Community College.

Dated: January 11, 1980

By: Nels W. Hanson
District President

AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

WAC 132L-112-040 THE HOURS OF DUTY. The instructor's basic contract is for ((+80)) 177 days. Only through the effective scheduling of daily time can the instructional staff meet the goals of the college. The instructor's daily time should be carefully scheduled to allow for classroom preparation, presentations, laboratory or related instructional activities, scheduled and kept office hours for student consultation or advisement, necessary work with library services, administrative services, student services, meetings, committee work, and all other assignments deemed necessary by the college for its improved effectiveness.

It is fully recognized that the professional instructor freely spends considerably more time on his duties; his posted schedule (see Office Hours and Schedules) shall identify a basic thirty-five class hours weekly of scheduled and available periods. He should so schedule his time that he will be available on campus or other instructional stations, when students, colleagues, or administrators are most likely to need him. If for specific reasons he must deviate from his schedule, he should first get approval from his division chairman, who should also be informed of where the instructor can be reached in case of an emergency and when he expects to return to the campus.

AMENDATORY SECTION (Amending Order 76-66, filed 3/22/77)

WAC 132L-112-200 LEAVE WITH PAY. Full-time ((faculty members)) faculty and administrative employees shall be granted fifteen (15) days upon the first day on which their initial assignment begins. After three (3) quarters of employment, such full-time ((faculty members)) employees shall accumulate such leave at a rate of five (5) days per quarter for each quarter of full-time employment up to a maximum of one hundred eighty (180) days, except as authorized in WAC 132L-112-280(4). Such leave may be taken at any time subject to the following conditions and in compliance with the approval procedures set forth.

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 76-66, filed 3/22/77)

WAC 132L-112-230 PROCEDURES OF OBTAINING LEAVE WITH PAY. (1) Illness, Injury and Bereavement - The faculty member shall notify the appropriate dean/director or designee at the earliest possible time prior to departure of the necessity for the leave. Such notification shall include: () The nature of the leave; (b) The most appropriate coverage of the faculty member's assigned duties; (c) The estimated leave time;

(2) Emergency and Other Leaves (Jury, Professional Meetings);
(a) Except for emergencies of a catastrophic nature, the requests should be submitted for emergency and other leaves well in advance of desired leave (preferably at least seven (7) days). The faculty member shall reduce to writing a request for such leave stating the purpose for which leave is sought and the most appropriate coverage of assigned duties.

(b) If applicable, requests for leaves involving travel reimbursement and/or per diem shall be submitted in accordance with administrative rules for travel approval on each campus as shown in the Faculty Handbook.

(c) The appropriate dean/director shall review all such requests and grant approval or denial prior to taking the requested leave. Reasons for denial shall be provided in writing.

(d) For emergencies of a catastrophic nature, the most expeditious means available for notifying the dean/director should be utilized. Upon return to the campus, the faculty member shall provide the necessary information to the dean/director to justify its inclusion in this category for payroll purposes.

(3) ((Exceptions:

(a) "Quarter Ends Day" on each campus calendar is one of the 180 contract days for each individual contract. The attendance requirement is modified so that attendance on campus is required on that day only until all duties assigned to the employee have been fully completed.

(b) Deviations from posted schedules may be approved by the division chairman and consists of performing the employee's regular contractual duties but in a location different than that which is posted and for which the division chairman has had ample time to arrange for any needed coverage during the absence. Deviation from schedule does not include an absence from any scheduled classes.))

Exception: Deviations from posted schedules may be approved by the division chairman and consists of performing the employee's regular contractual duties but in a location different than that which is posted and for which the division chairman has had ample time to arrange for any needed coverage during the absence. Deviation from schedule does not include an absence from any scheduled classes.

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 76-66, filed 3/22/77)

WAC 132L-112-250 UNAUTHORIZED ABSENCES. Unauthorized absence, approved leave without pay, or leave taken without following the procedures described herein shall result in a salary reduction on one of the following bases: (for these purposes "absence" or "leave" shall be defined as absence from the campus during scheduled

hours of instruction or related services to students, or absence from regularly scheduled meetings of organizations or groups which the individual is expected to attend.)

(1) ~~((1/180))~~ 1/177 of the instructor's basic nine-month contract for each full day of absence, or

(2) 1/7 of a day's pay for each hour when leave is taken for a fraction of a day.

(3) Extenuating circumstances will be considered as a basis for modifying above items 1 and 2 by joint action of the District President, Division Chairman, and the appropriate dean/director.

NEW SECTION

WAC 132L-112-280 COMPENSATION FOR SICK LEAVE. An attendance incentive program is hereby established for all eligible employees.

(1) Eligible Employees - Eligible employees shall include those full-time faculty and administrative employees, other than teaching and research faculty, in District 12 who are entitled to accumulate leave.

Eligible employees who have attained the previously established District limit may participate in the attendance incentive program by replacing (substituting) days accumulated in their first years of employment with a number equal to those accumulated in 1979: Provided that the Attorney General's office issues an opinion which would allow these employees to waive accumulation or to substitute these days.

(2) Two Accounts - Such leave entitlement shall be accrued by full-time employees in two separate categories, the first identified as a "compensation account" and the second as an "auxiliary account".

(3) Current Leave Accumulation - One (1) day of entitlement earned during each month of employment shall be credited to the compensation account, and all days earned in excess of one (1) day for each month of employment during a calendar year shall be credited to the auxiliary account.

(4) Previously Accrued Leave - Employees with accrued leave under previous leave policies shall have such accruals divided between the two accounts so that not more than one (1) day per month of full-time employment shall be credited to the compensation account. Any days accrued in excess of one (1) per month shall be credited to the auxiliary account.

(5) Annual Compensation for Unused Sick Leave - Eligible employees shall receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 60 days may choose to convert sick leave days accrued in the previous calendar year to monetary compensation.

(b) Monetary compensation for converted compensable days shall be paid at the rate of 25% (at the rate of one day's pay for each four days accumulated in the compensation account) and shall be based upon the employee's current salary.

(c) All converted compensable days will be deducted from the employee's compensation account balance.

(d) The first 12 days of any sick leave used during the previous year shall be drawn from the days accumulated first in the compensation account during that same year and days in excess of 12 shall be taken from the auxiliary account, until depleted, following which further absence shall be taken from the compensation account.

(e) No sick leave days may be converted which would reduce the calendar year-end balance below sixty days.

(f) Converted compensable days shall not exceed one (1) day per month or the 180-day maximum.

(6) Compensation for Unused Sick Leave at Retirement or Death - Employees who separate from the District on or after September 1, 1979, due to retirement or death shall be compensated for their unused compensable sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this sub-section, retirement shall not include "vested-out-of-service" employees who leave funds on deposit with the retirement system.

(7) Exclusions - Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

An employee who separates from the District for any reason other than retirement or death shall not be paid for accrued sick leave.

NEW SECTION

WAC 132L-112-290 SEPARATION AND REEMPLOYMENT. (1) Former District 12 faculty or administrative employees who are reemployed by the District within three years of separation shall have their former leave balance restored for use as provided in WAC 251-22-200.

(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused compensation account balance accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 132L-112-280 (6); this restriction shall not apply to other returning employees.

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 80-02-048
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 87—Filed January 15, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of Snohomish and Stillaguamish watersheds and adjacent marine waters to the taking of steelhead trout by treaty Indians, new section WAC 232-32-117.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-117 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 rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Snohomish and Stillaguamish Rivers and adjacent marine waters pursuant to the reporting system approved by the United States District Court in United States v. Washington, and information from the Tulalip Tribe indicates that the treaty share of harvestable surplus of steelhead from the Snohomish and Stillaguamish River systems has been far exceeded. Therefore, a closure of the Snohomish and Stillaguamish watersheds and adjacent marine areas including all of Marine Area 8A is necessary to assure nontreaty sports fishermen the opportunity to take a share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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 January 15, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-117 CLOSURE OF SNOHOMISH AND STILLAGUAMISH WATERSHEDS AND ADJACENT MARINE WATERS TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. *It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Snohomish and Stillaguamish watersheds and adjacent marine waters including all of Marine Area 8A and the Tulalip Bay effective 6:00 p.m., January 15, 1980.*

**WSR 80-02-049
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1477—Filed January 16, 1980]**

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Social services—Eligibility, amending WAC 388-15-020.

This action is taken pursuant to Notice No. WSR 79-12-037 filed with the code reviser on 11/20/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1360, filed 12/21/78)

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

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

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

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

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not

exceed 80% of the state median gross income for a family of four, adjusted for family size.

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

(i) No individual or family is eligible for chore services, family planning or alcoholism services whose gross family income is in excess of 50% of the state median income for a family of four, adjusted for family size, except that a single individual may receive chore services if his median gross income does not exceed 57% of the state's median gross income for a family of four adjusted for family size.

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

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

(2) Gross median income for a family of four in the state of Washington ((~~f~~)) effective October 1, ((1978)) 1979 is ((~~\$18,359~~)) \$20,207. 80% = ((~~\$14,687~~)) \$16,166.

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

Number in Family	Monthly Income	Annual Income
1	((637)) <u>701</u>	((7,638)) <u>8,406</u>
2	((832)) <u>916</u>	((9,987)) <u>10,993</u>
3	((1,028)) <u>1,132</u>	((12,338)) <u>13,579</u>
4	((1,224)) <u>1,347</u>	((14,687)) <u>16,166</u>
5	((1,420)) <u>1,563</u>	((17,037)) <u>18,752</u>
6	((1,616)) <u>1,778</u>	((19,387)) <u>21,339</u>

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

Monthly Income	Annual Income
((454)) <u>499</u>	((5,442)) <u>5,989</u>

(c) Income table for 52% gross median income:

Family Size	Monthly Income	Annual Income
2	((541)) <u>595</u>	((6,492)) <u>7,145</u>
3	((668)) <u>736</u>	((8,019)) <u>8,826</u>

Family Size	Monthly Income	Annual Income
4	((796)) 876	((9,547)) 10,508
5	((923)) 1,016	((11,074)) 12,189
6	((1,050)) 1,156	((12,602)) 13,870

WSR 80-02-050
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1476—Filed January 16, 1980]

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

Family Size	Monthly Income	Annual Income
1	((398)) 438	((4,774)) 5,253
2	((520)) 573	((6,242)) 6,870
3	((643)) 707	((7,711)) 8,487
4	((765)) 842	((9,180)) 10,104
5	((887)) 977	((10,648)) 11,720
6	((1,010)) 1,111	((12,117)) 13,337

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

Family Size	Monthly Income	Annual Income
1	((302)) 333	((3,623)) 3,993
2	((395)) 435	((4,744)) 5,222
3	((488)) 538	((5,860)) 6,450
4	((581)) 640	((6,976)) 7,679
5	((674)) 742	((8,092)) 8,907
6	((767)) 845	((9,209)) 10,136

(f) See WAC 388-29-100 for grant standards.
 (3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

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

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

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

(d) ~~((Children))~~ A child living with ((nonlegally responsible)) legally nonresponsible relatives, ((emancipated)) a minor((s and children)) living independently and a child living under the care of unrelated persons are also considered one-person families.

(e) A school age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

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

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

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-92-015 Medical care—SSI—Eligibility.
- Amd WAC 388-92-020 Medical care—SSI—Application.

This action is taken pursuant to Notice No. WSR 79-12-027 filed with the code reviser on 11/16/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 16, 1980.
 By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-92-015 GENERAL ELIGIBILITY. (1) Citizenship - must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States including an alien who is lawfully present in the United States according to specified sections of the Immigration and Nationality Act. (See WAC 388-26-120).

(2) Residence - see WAC 388-83-025.

(3) For the purposes of medical assistance related to Title XVI, the applicant must be:

- (a) Age 65 or over; or
- (b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic technique, except that an applicant for disability who is medically determined to be a drug addict or alcoholic shall be ineligible for any month unless such individual is undergoing any treatment that

may be appropriate for his condition as a drug addict or alcoholic at an institution or facility approved for that purpose (so long as such treatment is available) and demonstrates compliance with the terms, conditions and requirements of such treatment. Decisions on Title XVI related disability are made by the office of disability insurance benefits.

(4) Temporary absence.

(a) If a resident of the state of Washington is temporarily in another state and requires medical care, and is eligible for medical assistance, the responsibility for medical payment rests with the state of Washington. The standard of care will be no different than that authorized within the state.

(b) A resident of Washington who requires medical assistance outside the United States will be provided care according to WAC 388-82-030.

AMENDATORY SECTION (Amending Order 1111, filed 4/15/76)

WAC 388-92-020 APPLICATION FOR MEDICAL CARE. (1) For rules and regulations regarding right to apply see WAC 388-84-005.

(2) The spouse of any individual applying for FAMCO related to Title XVI must apply for medical care separately as eligibility does not carry over to such spouse.

(3) Processing of application.

(a) For the aged and blind, the decision on an application shall be made with reasonable promptness but not later than 30 days from date of the request, except for a situation in which circumstances such as the critical condition of an applicant or his death following application may delay the determination of eligibility.

(b) For disability related applications, the decision may be delayed up to 60 days pending determination of disability by the office of disability insurance benefits or longer in unusual circumstances such as failure or delay on the part of the applicant or examining physician, or because of administrative or other emergency that could not be controlled. In such cases, documentation of the circumstances is to be recorded in the record.

(4) Disposition of application.

(a) Approval

(i) Certification will be effective as of the first day of the month of application, except that for purposes of retroactivity certification shall begin no earlier than the first day of the third month prior to the month of application.

(ii) All applicants shall be informed of the department's services, right to a fair hearing, and civil rights. This shall be noted in the case record. Notification of the department's action shall be by means of an award letter which will indicate the amount of participation, if any.

(iii) A temporary medical care identification card will be issued by the ESSO. Subsequently, the medical care identification card will be issued monthly from state office for the duration of eligibility.

(b) Denial of application

(i) When an application is denied, the applicant shall be notified in writing of the specific reason(s) for the

denial and shall be informed of the right to a fair hearing - see WAC 388-38-172.

(ii) An application for medical care shall be denied when:

(A) An applicant does not meet the criteria of age, disability or blindness according to Title XVI. (See WAC 388-82-020 for consideration of medical care under the MS program.)

(B) An applicant for FAMCO does not claim to have a medical need at the time of application. (For retroactivity see WAC 388-92-015(3)(b).)

(C) The amount of participation with excess income will obviously exceed the cost of medical care.

(D) The applicant refuses to dispose of nonexempt resources or refuses to attempt to dispose of such resources. (See WAC 388-83-060.)

(c) Withdrawal of an application shall be treated as in WAC 388-38-172.

WSR 80-02-051

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1475—Filed January 16, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to services for the blind, amending chapter 388-72 WAC.

This action is taken pursuant to Notice No. WSR 79-12-026 filed with the code reviser on 11/16/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
Executive Assistant

NEW SECTION

WAC 388-72-050 ELIGIBILITY. By written agreement between the department of social and health services and the commission for the blind, financial eligibility is determined by the community services offices of the department of social and health services and medical eligibility is determined by the commission for the blind.

Persons eligible for prevention of blindness services are:

(1) Individuals eligible for federal aid or general assistance, or whose needs are included in such aid or assistance, and any child receiving foster care at the

department's expense. No further determination of eligibility is required.

(2) Individuals eligible for FAMCO or medical only (MO) without participation from excess income as determined under WAC 388-83-030 through 388-83-050. No further determination of eligibility is required. If excess monthly income is available, the application will be considered for special prevention of blindness funding, see WAC 388-72-070.

(3) Individuals not meeting the criteria in subsections (1) or (2) of this section whose inability to pay for eye care is established according to the standards in WAC 388-72-060 through 388-72-080.

NEW SECTION

WAC 388-72-060 EXEMPT RESOURCES. (1) Exempt resources shall be determined in relation to the category of assistance the patient would qualify for except for income. Available excess resources shall be applied toward the cost of care.

(2) Full advantage shall be taken of health and accident insurance, and Medicare benefits. Use must be made of other available medical resources, such as veteran's hospitals and United States public health service facilities, unless distance or some unusual factor makes this impracticable. In an accident case, third party liability must be considered and reported to the state office and commission for the blind.

NEW SECTION

WAC 388-72-070 ELIGIBILITY DETERMINATION. (1) The financial eligibility of a person applying under WAC 388-72-050(3) shall be determined according to the rules of this section.

(2) If the individual's net income exceeds one month's maintenance standard in WAC 388-83-035, the following exemptions may be applied to reduce available monthly income:

- (a) Regular payments made for the support of dependents in compliance with a court order;
- (b) Life insurance premiums;
- (c) Essential transportation costs including car payments and upkeep;
- (d) The actual cost of shelter in excess of thirty percent of the family's net income;
- (e) Contract or monthly payments on delinquent accounts for rent, utilities and fuel, provided payments are made regularly and the applicant has receipts for payment;
- (f) Current payments on unpaid medical expenses.

(3) Available income after exceptions in subsection (2) of this section are allowed shall be applied toward the cost of eye care.

(4) Commission payments in the cost of care follow the department of social and health services schedule of maximum allowances.

(5) When an applicant qualifies for special prevention of blindness funding the coding "Z" is used. When an applicant is receiving other grant or medical assistance,

the applicable coding is used and serves as a basis for securing matching Title XIX funds in all cases meeting Title XIX requirements.

NEW SECTION

WAC 388-72-080 RESIDENCE—STATE OF WASHINGTON. An applicant must be residing in the state of Washington for other than temporary purposes; however, this rule may be waived when care is required for an emergent condition or an injury.

NEW SECTION

WAC 388-72-090 APPLICATION REVIEW. (1) A person not eligible for the prevention of blindness services on the basis of WAC 388-72-050(1) or (2) may apply at the community services office for the determination of his financial eligibility. The community services office reports its findings and decision to the commission for the blind. The report covers the applicant's resources, income, and requirements as outlined in WAC 388-72-060 through 388-72-080.

(2) The application of a person having sufficient income and resources to meet his medical and maintenance needs according to WAC 388-72-070 shall be denied. The community services office shall report its findings in such instances to the commission for the blind. The applicant must be informed of his right to a fair hearing.

WSR 80-02-052
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-1—Filed January 16, 1980]

I, James T. Hughes, director of the Department of Labor and Industries, do promulgate and adopt at General Administration Building, Olympia, the annexed rules relating to the electrician training permits and the electrician licenses under chapter 18.37 RCW.

This action is taken pursuant to Notice No. WSR 80-01-080 filed with the code reviser on December 27, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.37.130 which directs that the Director of the Department of Labor and Industries has authority to implement the provisions of chapter 18.37 RCW.

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

APPROVED AND ADOPTED January 16, 1980.

By James Hughes
 Director

NEW SECTION

WAC 296-401-060 SPECIALTY CERTIFICATES. The department shall issue specialty electrician's certificates of competency in the following areas of electrical work:

(1) Residential. The holder of a residential certificate is limited to wiring one and two-family dwellings, or multi-family dwellings that do not exceed three floors above grade. All wiring shall be in nonmetallic sheathed cable, except service and feeder wiring.

(2) Domestic Appliances. The holder is limited to the electrical connection of domestic appliances and their wiring, such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. The holder may also install the circuits to domestic appliances but may not install service or feeder wires.

(3) Pump and Irrigation. The holder is limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems, and related pumps and pump houses. The holder may also install the circuits, feeders, controls, and services necessary to supply electricity to the pumps.

(4) Limited Energy System. The holder is limited to installing signaling circuits, power limited circuits, and related equipment. Such equipment includes fire protection signaling systems, intrusion alarms, nonutility-owned communication systems, and similar low energy circuits and equipment.

(5) Signs. The holder is limited to placing and connecting signs and outline lighting and their electrical supply, controls, and associated circuit extensions.

NEW SECTION

WAC 296-401-070 ELIGIBILITY FOR SPECIALTY EXAMINATION. A person holding an electrical trainee certificate who has:

(1) Been employed under the direct supervision of a journeyman electrician for four years, or who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training, shall be eligible to take the examination for any of the specialty certificates of competency listed in WAC 296-401-060; or

(2) Been employed for two years under the direct supervision of a journeyman or specialty electrician working in one of the specialties listed in WAC 296-401-060 shall be eligible to take the examination for the specialty in which he or she has been trained.

NEW SECTION

WAC 296-401-080 ELIGIBILITY FOR JOURNEYMAN'S EXAMINATION. A person holding an electrical trainee certificate who has been employed under the direct supervision of a journeyman electrician for four years, or who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training, or who

is a graduate of a trade school program in electrical construction that was established during 1946, shall be eligible to take the examination for a journeyman's certificate of competency. A person who has had two years of schooling under the conditions provided in RCW 18.37.040 in addition to two years of employment under the direct supervision of a journeyman electrician shall be eligible to take the examination for a journeyman's certificate of competency.

NEW SECTION

WAC 296-401-090 STATUS OF PERSON WHO HAS FAILED AN EXAMINATION FOR A JOURNEYMAN CERTIFICATE OF COMPETENCY. (1) A person who fails an examination for a journeyman's certificate of competency may take a 90 day refresher course.

(2) A person taking a refresher course shall have the status of a fourth year trainee and may work with supervision.

(3) If any person refuses to take the refresher course, or finishes the refresher course and again fails the examination, that person shall have the status of a fourth year trainee; however, that person may not work without supervision until he or she passes an examination for a journeyman or specialty certificate of competency.

NEW SECTION

WAC 296-401-100 COMPUTATION OF YEARS OF EMPLOYMENT. (1) For the purposes of RCW 18.37.040, 1800 hours of employment shall be considered one year of employment.

(2) At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical industry for the previous year and the number of hours worked for each employer.

(3) A person who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 7200 hours (four years) of employment.

(4) A person who has completed a two year apprenticeship program in an electrical specialty that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 3600 hours (two years) of employment.

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 296-401-110 PREVIOUS EXPERIENCE CREDIT. A person who is applying for an electrical trainee certificate who has already worked in electrical construction before September 1, 1979 shall receive credit for all electrical work previously performed toward the hours required for the examination.

NEW SECTION

WAC 296-401-120 ELECTRICAL TRAINEE CERTIFICATES. (1) The department shall issue separate electrical trainee certificates for the first, second, third, and fourth years of training. If a person has less than 1800 hours of employment in electrical construction, the department shall give the individual a first year certificate; if more than 1799 but less than 3600 hours a second year certificate; if more than 3599 but less than 5400 hours, a third year certificate; and if more than 5399 hours a fourth year certificate.

(2) A holder of an electrical trainee certificate may apply for the next year's certificate whenever he or she has sufficient hours of employment.

(3) A holder of an electrical trainee certificate may apply for authorization to work without supervision if he or she has over 6299 hours of employment, and has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the commission for vocational education.

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 296-401-130 ANNUAL RENEWAL OF ELECTRICAL JOURNEYMAN, SPECIALTY, AND TRAINEE CERTIFICATES. (1) (a) Each holder of a journeyman's or specialty electrician's certificate of competency must renew his or her certificate on or before July 1 each year. A fee of fifteen dollars is required upon renewal.

(b) A person who does not renew his or her certificate by July 1 must apply for and retake the examination for the specialty or journeyman electrician's certificate of competency. An application for renewal that is not received by July 1 shall be considered an application to take the examination.

(2) Each holder of an electrical trainee certificate must renew his or her certificate annually on or before the date the certificate was issued, regardless of the number of hours the holder worked that year. A fee of five dollars is required upon renewal.

NEW SECTION

WAC 296-401-140 SUPERVISION OF TRAINEES IN THE ELECTRICAL TRADES. A person possessing a training certificate (trainee) shall be under the direct supervision of a supervising electrician as defined in RCW 18.37.020. The supervising electrician shall be working on the same job site and within the immediate working proximity of the trainee. The supervising electrician must assign and examine the trainee's electrical work to see that it conforms to the applicable electrical codes.

NEW SECTION

WAC 296-401-150 PENALTIES FOR FALSE STATEMENTS OR MATERIAL MISREPRESENTATION. All applications required under chapter 18.37 RCW and the annual statement of hours of employment required under RCW 18.37.020, shall be made under oath. A person who knowingly makes a false statement or material misrepresentation on an application or statement may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 18.37.150 and may subtract up to 900 hours of employment from a trainee's total hours, if the department determines the trainee has made a false statement or material misrepresentation.

NEW SECTION

WAC 296-401-160 ENFORCEMENT. (1) The department shall ensure that employers and employees subject to chapter 18.37 RCW comply with that chapter and chapter 296-401 WAC by inspecting electrical job sites. The inspections shall be made by the department's compliance officers.

(2) The compliance officer shall determine whether:

(a) Each person doing electrical work on the job site has a proper journeyman, specialty, or trainee certificate;

(b) The ratio of the certified journeyman electricians to the certified trainees on the job site is correct; and

(c) Each certified trainee is directly supervised by an individual with a journeyman or specialty certificate of competency.

(3) If the compliance officer determines that an employer or employee has violated chapter 18.37 RCW or 296-401 WAC, the department shall issue a notice of violation that describes the reason the employer or employee has violated chapters 18.37 RCW or 296-401 WAC and prescribes a time for abatement of the violation.

(4) If the employer or employee has not abated the violation within the time prescribed in the notice of violation issued pursuant to section (3), the department may:

(a) Inform the Electrical Inspection Section and the electrical utility that the electrical worker or workers on the job site are in violation of chapters 18.37 RCW or 296-401 WAC pursuant to the authority granted in RCW 18.27.150. The Electrical Inspection Section shall prohibit the connection of electrical service and the utility shall not connect the electrical service until the department is satisfied that the electrical work complies with chapters 18.37 RCW and 296-401 WAC.

(b) Ask the Attorney General to begin an action to collect the civil penalties provided for in RCW 18.37-.150; and

(c) Issue a cease and desist order that forbids future conduct that is similar to the violation. The order shall take effect immediately when it is received by the employer or employee to whom it is directed.

(5) The employer or employee to whom a cease and desist order is directed may request a hearing pursuant to WAC 296-401-170; however, the request shall not

stay the effect of the order. If the employer or employee disobeys the cease and desist order, the department shall apply to the superior court for a court order enforcing the cease and desist order. If the employer or employee disobeys the court order, the department shall request the Attorney General to apply to the superior court for an order holding the employer or employee in contempt of court.

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

NEW SECTION

WAC 296-401-170 HEARING PROCEDURE.

An employer or employee to whom a cease and desist order is directed; a person who is aggrieved by the department's denial of a trainee, journeyman, or specialty certificate, or the opportunity to take an examination for a certificate; or a person who has had his or her hours reduced pursuant to 296-401-150 WAC; may request a hearing within 10 days from receipt of the cease and desist order, the denial, or the reduction of hours. The department shall appoint a person to preside over the hearing. The appeal shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 296-401-180 EXAMINATION SUBJECTS FOR SPECIALTY'S AND JOURNEYMAN'S CERTIFICATES OF COMPETENCY. The following subjects are among those that may be included in the examination for certificate of competency. The list is not exclusive, and the test may also contain subjects not in the list.

JOURNEYMAN ELECTRICIAN EXAMINATIONS MAY BE BASED ON THESE ITEMS:

- AC – Generator; Three-phase; Meters; Characteristics of; Power in AC Circuits (Power Factor); Mathematics of AC Circuits
- Air Conditioning – Basic
- Blueprints – Surveys and Plot plans; Floor Plans; Service & Feeders; Electrical Symbols; Elevation Views Plans Views
- Building Wire – Sizes
- Cable Trays
- Calculations
- Capacitive Reactance
- Capacitor – Types; In Series and Parallel
- Circuits – Series; Parallel; Combination; Basic; Branch; Outside Branch Circuits; Calculations
- Conductor – Voltage Drop (line loss); Grounded
- Conduit – Wiring Methods
- DC – Generator; Motors; Construction of Motors; Meters
- Definitions
- Electrical Units

- Electron Theory
- Fastening Devices
- Fire Alarms – Introduction to; Initiating Circuits
- Fuses
- Generation – Principles of
- Grounding
- Incandescent Lights
- Inductance – Introduction to; reactance
- Insulation – of wire
- Mathematics – Square Root; Vectors' Figuring Percentages
- Motors – Motors vs. Generators/CEMF; Single Phase; Capacitor; Repulsion; Shaded Pole; Basic Principles of AC Motors
- Ohm's Law
- Power
- Power Factor – AC Circuits; Correction of; Problems
- Rectifiers
- Resistance – of Wire
- Rigging
- Safety – Electrical Shock
- Services
- Three-Wire System
- Tools
- Transformers – Principles of; Types; Single Phase; Three-Phase Connections
- Voltage Polarity Across a Load
- Wiring Methods – Conduit; General
- Wiring Systems – Less than 400 volts; 480/277 Volts; Three-Phase Delta; Distribution

SPECIALTY RESIDENTIAL ELECTRICIAN EXAMINATIONS MAY BE BASED ON THESE ITEMS:

- AC – Meters
- Blueprints – Residential Plans; Floor Plans; Service and Feeders
- Calculations
- Circuits – Series; Parallel; Combination; Basic; Outside Branch
- Conductor – Voltage Drop (line loss); Grounded; Aluminum
- Conduit – Wiring Methods
- Electrical Units
- First Aid
- Fuses
- General Lighting
- Grounding of Conductors
- Insulation of Wire
- Ladder Safety
- Mathematics – Figuring Percentage
- Ohm's Law
- Overcurrent Protection
- Resistance of Wire
- Services
- Sizes of Building Wire
- Three-Wire System
- Tolls
- Transformer – Ratios; Single-Phase

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

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

WSR 80-02-053
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order 573-DOL—Filed January 16, 1980]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Registered disposers—General procedures and requirements and law enforcement procedures for impounding, amending WAC 308-61-110 and 308-61-155.

This action is taken pursuant to Notice No. WSR 79-12-092 filed with the code reviser on 12/4/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 46.52.115 which directs that the Department of Licensing has authority to implement the provisions of chapter 46.52 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 January 15, 1980.

By R. Y. Woodhouse
Director

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change.

A complete sale of business requires a full application from the new owner(s).

(4) Insurance coverage. Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for: (a) insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for ~~((each))~~ vehicles in custody.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-155 LAW ENFORCEMENT PROCEDURES FOR IMPOUNDING. The notification of impoundment under RCW 46.61.565 or chapter 46.52 RCW mailed to the last registered and legal owner shall

include a certificate of mailing (~~and shall be on a format approved by the department and Washington state patrol~~):

(1) Name, address and phone number of the impounding enforcement agency, location which (~~lead~~) led to impoundment, make, model, description, identification number, license plate number of vehicle and state which issued, whether plate is current, comment on condition of vehicle including obvious body damage or missing equipment, brief reason for impounding, name, address and phone number of registered disposer in whose custody the vehicle was placed, steps required to redeem the vehicle, that a hearing may be requested within 10 days of mailing the notification, location and address of the district court in the area of the impound and that the hearing request should be made to the district court by request in an appropriate space on the notification form, provision for the district court to acknowledge and date the hearing request. In addition pursuant to RCW 46.52.114 a warning statement shall state "If a vehicle remains unclaimed for 5 days, it may be deemed abandoned and sold at a public sale."

(2) If a registered owner prevails at a district court hearing the impounding enforcement agency shall be liable to the registered disposer for permitted impoundment, towing and storage charges.

(3) Upon presentation of satisfactory proof to the registered disposer holding the vehicle that the impoundment was held invalid the registered disposer shall release the vehicle to the registered owner and collect the appropriate impoundment amount from the impounding agency.

WSR 80-02-054
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed January 16, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Accountancy intends to adopt, amend, or repeal rules concerning time of examination. (A copy of the said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter herein.);

that such agency will at 11:00 a.m., Friday, March 28, 1980, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, March 28, 1980, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.04.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1980, and/or orally at 11:00

a.m., Friday, March 28, 1980, Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

Dated: January 15, 1980
By: James R. Silva
Assistant Attorney General

AMENDATORY SECTION (Amending Order, filed 7/15/69)

~~WAC 4-04-190 TIME OF EXAMINATION. A candidate for a certificate must meet the educational requirements set forth in WAC ((4-04-170))4-12-170 prior to examination: Provided, That the board may, in its discretion, admit to the examination any person who will complete his study at a college or university recognized by the board within 120 days after the date of the examination. ((The candidate, if he so elects, shall be examined by the examining committee prior to the time such candidate has acquired the experience required under WAC 4-04-190: Provided, That the certificate shall not be issued until the experience requirements shall have been complied with:))~~

WSR 80-02-055
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
[Order 80-01—Filed January 17, 1980]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

New	WAC 390-20-052	Application of RCW 42.17.190—Reports of agency lobbying.
Amd	WAC 390-20-020	Forms for lobbyist report of expenditures.
Amd	WAC 390-05-271	General applications of RCW 42.17.130.
Amd	WAC 390-24-010	Forms for reports of financial affairs.
Rep	WAC 390-20-028	Definition of terms "communicate", "communication", "communicating", and "legislation".
Rep	WAC 390-20-051	Application of RCW 42.17.190 to lobbying of the legislature and governor.
Rep	WAC 390-20-053	Application of RCW 42.17.190 to lobbying of other agencies.
Rep	WAC 390-20-055	Application of RCW 42.17.190 to intra-agency activity.

This action is taken pursuant to Notice No. WSR 79-11-125 and 79-11-126 filed with the code reviser on 11/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) 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 December 18, 1979.
By Graham E. Johnson
Administrator

NEW SECTION

WAC 390-20-052 APPLICATION OF RCW 42.17.190-REPORTS OF AGENCY LOBBYING. Pursuant to the authority granted in RCW 42.17.190(7), the Commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW 42.17.190:

(1) The phrase "in-person lobbying" contained in RCW 42.17.190(4)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW 42.17.190(4)(d)(ii) includes an oral request from a member of the legislature or its staff.

(3) Pursuant to RCW 42.17.190(5), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and RCW 42.17.170:

(a) Whenever such a local agency makes such an election, it shall provide the commission with a written notice.

(b) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW 42.17.190(4) in the same manner as lobbyists who are required to register and report under RCW 42.17.150 and RCW 42.17.170. Such a local agency shall report pursuant to RCW 42.17.180.

(c) In order to terminate such an election, such a local agency shall provide the commission with a written notice and it shall report pursuant to RCW 42.17.190(4) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17.190(4)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW 42.17.150, RCW 42.17.170 and RCW 42.17.180. The exemptions contained in RCW 42.17.160(1), (3) and (4) do not apply to any agency.

(4) Unless an agency has elected to report its lobbying pursuant to RCW 42.17.190(5) and subsection (3) of this rule, an agency shall include the reportable lobbying

activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(5) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of this agency unless and until that elected official has expended in excess of fifteen dollars of nonpublic funds made in connection with such lobbying 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 during any three month period as provided in RCW 42.17.190(4)(d)(v)(B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of fifteen dollars of nonpublic funds made in connection with such lobbying 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 or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW 42.17.190(4)(d)(v)(B).

(c) When limits in (a) or (b) above have been exceeded, the agency shall report such elected official, officer, or employee as a "PERSON WHO LOBBIED THIS QUARTER" on the front of PDC form L-5 and include a listing of those excess expenditures as noted on that form.

AMENDATORY SECTION (Amending Order 94, filed 10/31/77)

WAC 390-20-020 FORMS FOR LOBBYIST REPORT OF EXPENDITURES. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for the lobbyist report of expenditures as required by RCW 42.17.170 is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised 10/79, shall be designated as "L-2". Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.



TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA BUILDING
711 CAPITOL WAY
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM
L-2
REV-11/77
**LOBBYIST
MONTHLY EXPENDITURE REPORT**

THIS SPACE FOR OFFICE USE
P.M. DATE DATE RECEIVED

Please type or print clearly

1. LOBBYIST'S NAME AND PERMANENT BUSINESS ADDRESS
2. MONTHLY REPORT FOR PERIOD ENDING
19
MONTH/DAY YEAR
FILE NUMBER
CHECK HERE IF APPROPRIATE:
 L-2 SIGNED ON
(DATE)
WAS IN ERROR. PLEASE SUBSTITUTE THIS FORM IN ITS PLACE.

3. TOTALS OF ALL REPORTABLE EXPENDITURES BY OR ON BEHALF OF LOBBYIST FOR LOBBYING

CATEGORY OF EXPENSE	TOTAL AMOUNT THIS MONTH	UNREIMBURSED	LIST PART OF TOTAL AMOUNT WHICH WAS PAID OR ATTRIBUTED TO EACH EMPLOYER		
			EMPLOYER No. 1	EMPLOYER No. 2	EMPLOYER No. 3
COMPENSATION FOR LOBBYING (salary, wages, retainer)					
PERSONAL EXPENSES FOR LOBBYING					
FOOD AND REFRESHMENT					
LIVING ACCOMMODATIONS					
TRAVEL					
OTHER PERSONAL EXPENSES					
SUBTOTAL					
OFFICE EXPENSES (portion attributed to lobbying)					
STAFF SECRETARIAL ASSISTANCE					
TELEPHONE					
RENT					
OTHER EXPENSES					
ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
SUBTOTAL					
ENTERTAINMENT OF OTHERS (including food and refreshment) (also complete item 4)					
TRAVEL AND LODGING FOR OTHERS					
CONTRIBUTIONS AND GIFTS (also complete item 5)					
TOTAL EXPENSES AND COMPENSATION THIS MONTH					
TOTAL THIS YEAR					
EMPLOYER NAME #1	TOTAL				
EMPLOYER NAME #2		TOTAL			
EMPLOYER NAME #3			TOTAL		

(ATTACH ADDITIONAL PAGES) IF YOU LOBBY FOR MORE THAN THREE EMPLOYERS

LOBBYIST REPORTING INSTRUCTIONS

WHO MUST REPORT
Any person registered as a lobbyist under RCW 42.17.150

WHEN TO REPORT
1. Reports are due within 15 days after the end of each calendar month whether or not there have been expenditures, so long as you remain registered as a lobbyist.
2. Reports postmarked later than the 15th should be accompanied by a \$10 late-filing penalty.

WHAT TO REPORT
See RCW 42.17 and PDC instruction booklet for detailed reporting requirements. Unreimbursed personal living and travel expenses of lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported.

WHERE TO REPORT
Public Disclosure Commission 403 Evergreen Plaza Building, Olympia, Washington 98504. During legislative session reports may be delivered to either P.D.C. or the Secretary of State's office.

Questions about reporting should be addressed to the Public Disclosure Commission. Write or telephone (206) 753-1111.

CONTINUE ON REVERSE

4. EXPENDITURES FOR ENTERTAINMENT (INCLUDING LOBBYIST'S EXPENSE) EXCEEDING \$25 PER OCCASION PAID BY LOBBYIST OR EMPLOYER

DATE	NAMES OF ALL PERSONS ENTERTAINED	PLACE (NAME AND CITY)	SPONSORING EMPLOYER (Complete if you have more than one employer)	AMOUNT \$
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES				

5. CONTRIBUTIONS OF MONEY OR OTHER PERSONAL PROPERTY TO OR ON BEHALF OF ANY FEDERAL, STATE OR LOCAL CANDIDATE; ANY ELECTED OFFICIAL; OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT AGENCY; OR POLITICAL COMMITTEE IN SUPPORT OF OR OPPOSITION TO ANY BALLOT PROPOSITION.

DATE	NAME OF INDIVIDUAL OR COMMITTEE RECEIVING BENEFIT	EMPLOYER FOR WHOM CONTRIBUTION WAS MADE (Complete if you have more than one employer)	AMOUNT \$
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES			

6. SUBJECT MATTER OF PROPOSED LEGISLATION OR RULEMAKING THE LOBBYIST WAS SUPPORTING OR OPPOSING.

SUBJECT MATTER OR ISSUE (ALSO GIVE BILL, W.A.C. OR OTHER IDENTIFIER NUMBER, IF ANY)	LEGISLATIVE COMMITTEE OR STATE AGENCY CONSIDERING MATTER
[Empty]	

7. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION AS A LOBBYIST FOR THE REMAINDER OF THIS YEAR.)
 Terminate my registration for the following employers:

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new L-1 report prior to lobbying for that employer in the future. All registrations terminate automatically December 31. A new L-1 must be filed to register as a lobbyist for the next year.

CERTIFICATION

I hereby certify that the preceding is a true and complete account of all important information attributable directly or indirectly to lobbying activities for the period specified herein, and in accord with RCW 42.17.170.	Lobbyist's Signature _____ Date _____
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RCW 42.17.230 Duties of lobbyists. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time. *Provided*, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

- (a) Engage in any activity as a lobbyist before registering as such;
- (b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;
- (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
- (d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;
- (e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation. [1973 c 1 § 23 (Initiative Measure No. 276 § 23).]



PDC FORM L-2 REV 10-79	LOBBYIST MONTHLY EXPENDITURE REPORT
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THIS SPACE FOR OFFICE USE

FILE NUMBER	R.M. DATE	DATE RECEIVED
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PLEASE TYPE OR PRINT CLEARLY

1. LOBBYIST'S LAST NAME PERMANENT BUSINESS ADDRESS CITY	FIRST	M.I.	2. TYPE OF REPORT <input type="checkbox"/> MONTHLY REPORT _____ (MONTH) _____ (YEAR) <input type="checkbox"/> CORRECTION TO REPORT SUBMITTED FOR.....(MONTH) _____ (YEAR) OFFICE TELEPHONE
	STATE	ZIP	

ALL COMPLETE THIS PART	COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER			
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EXPENDITURES BY OR ON BEHALF OF LOBBYIST FOR LOBBYING		AMOUNT PAID ON BEHALF OF OR ATTRIBUTED TO EACH EMPLOYER			
CATEGORY OF EXPENSE	AMOUNT THIS MONTH	EMPLOYER 1	EMPLOYER 2	EMPLOYER 3	Amount Not Attributed to a Specific Employer
3. PERSONAL EXPENSES (For Lobbying)	X				
3a FOOD AND REFRESHMENT					
3b LIVING ACCOMMODATIONS					
3c TRAVEL					
3d OTHER PERSONAL EXPENSES					
3e SUBTOTAL Personal Expenses	X				
4. OFFICE EXPENSES (portion attributed to lobbying)	X				
4a STAFF SECRETARIAL ASSISTANCE					
4b TELEPHONE					
4c RENT AND OTHER EXPENSES					
4d ADVERTISING, PRINTING, INFORMATIONAL LITERATURE.					
4e SUBTOTAL Office Expenses	X				
5. COMPENSATION FOR LOBBYING (salary, wages, retainer)					
6. TRAVEL AND LODGING FOR OTHERS					
7. ENTERTAINMENT OF OTHERS (incl. food/refreshment - also complete 12)					
8. CONTRIBUTIONS, GIFTS, LOANS (also complete Item 13)					
9. TOTAL EXPENSES AND COMPENSATION THIS MONTH		*	*	*	*

ATTACH ADDITIONAL PAGE(S) IF YOU LOBBY FOR MORE THAN THREE EMPLOYERS

* THE TOTAL ATTRIBUTED TO EACH EMPLOYER PLUS THE AMOUNT WHICH CANNOT BE ATTRIBUTED TO A SPECIFIC EMPLOYER SHOULD EQUAL TOTAL EXPENSES AND COMPENSATION THIS MONTH

EMPLOYERS' NAMES

No. 1 _____

No. 2 _____

No. 3 _____

10. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION AS A LOBBYIST FOR THE REMAINDER OF THIS YEAR)
 Terminate my registration for the following employers:

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new L-1 report prior to lobbying for that employer in the future. All registrations terminate automatically December 31. A new L-1 must be filed to register as a lobbyist for the next year.

CERTIFICATION

11 I hereby certify that this report is a true and complete account of all important information attributable directly or indirectly to lobbying activities for the period specified herein, and in accord with RCW 42.17.170.	LOBBYIST'S SIGNATURE	DATE
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12. EXPENDITURES FOR ENTERTAINMENT (INCLUDING LOBBYIST'S EXPENSE) EXCEEDING \$25 PER OCCASION PAID BY LOBBYIST OR EMPLOYER

DATE	NAMES OF ALL PERSONS ENTERTAINED	PLACE (NAME AND CITY)	SPONSORING EMPLOYER (more than one employer)	AMOUNT \$
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES				

13. CONTRIBUTIONS OF MONEY OR OTHER PERSONAL PROPERTY TO OR ON BEHALF OF ANY FEDERAL, STATE OR LOCAL CANDIDATE; ANY ELECTED OFFICIAL, OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT AGENCY; OR POLITICAL COMMITTEE IN SUPPORT OF OR OPPOSITION TO ANY BALLOT PROPOSITION.

DATE	NAME OF INDIVIDUAL OR COMMITTEE RECEIVING BENEFIT	EMPLOYER FOR WHOM CONTRIBUTION WAS MADE (Complete if you have more than one employer)	AMOUNT \$
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES			

14. SUBJECT MATTER OF PROPOSED LEGISLATION OR RULEMAKING THE LOBBYIST WAS SUPPORTING OR OPPOSING.

SUBJECT MATTER OR ISSUE (ALSO GIVE BILL, W.A.C. OR OTHER IDENTIFIER NUMBER, IF ANY)	LEGISLATIVE COMMITTEE OR STATE AGENCY CONSIDERING MATTER

LOBBYIST REPORTING INSTRUCTIONS

WHO MUST REPORT

Any person registered as a lobbyist under RCW 42.17.150

WHEN TO REPORT

1. Reports are due within 15 days after the end of each calendar month whether or not there have been expenditures, so long as you remain registered as a lobbyist.
2. Reports postmarked later than the 15th should be accompanied by a \$10 late-filing penalty.

WHAT TO REPORT

See RCW 42.17 and PDC instruction booklet for detailed reporting requirements. Unreimbursed personal living and travel expenses of lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported.

WHERE TO REPORT

Public Disclosure Commission, 403 Evergreen Plaza Building, Olympia, Washington 98504. During legislative session reports may be delivered to either P.D.C. or the Secretary of State's office.

Questions about reporting should be addressed to the Public Disclosure Commission. Write or telephone (206) 753-1111.

RCW 42.17.230 Duties of lobbyists. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time. *Provided*, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

- (a) Engage in any activity as a lobbyist before registering as such;
- (b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;
- (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
- (d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;
- (e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation. [1973 c 1 § 23 (Initiative Measure No. 278 § 23).]

AMENDATORY SECTION (Amending Order 79-01, filed 1/31/79)

WAC 390-05-271 GENERAL APPLICATIONS OF RCW 42.17.130. (1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

~~((3) For purposes of RCW 42.17.130, use of the facilities of a public office or agency includes but is not limited to a collective decision made, or an actual vote,~~

~~upon a motion, proposal, resolution, order, or ordinance, by the members of a governing body (as that term is defined in RCW 42.30.020) sitting as a body or entity:))~~

AMENDATORY SECTION (Amending Order 94, filed 10/31/77)

WAC 390-24-010 FORMS FOR REPORTS OF FINANCIAL AFFAIRS. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for ((re-ports)) statements of financial affairs as required by RCW 42.17.240 is hereby adopted for use in reporting to the Public Disclosure Commission, provided that the form adopted by WAC 390-24-020 may be used by those persons filing after their first filing of this form. This form, revised 10/79, shall be designated as "F-1". Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504.



TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
RCW 42.17.240

PDC FORM
F-1
REV. 10/77

REPORT OF FINANCIAL AFFAIRS
ELECTED OFFICIALS, CANDIDATES
AND STATE-LEVEL APPOINTED OFFICIALS
RCW 42.17.240

INSTRUCTIONS		THIS SPACE FOR OFFICE USE	
<p>NOTE: Detailed instructions are available to assist in completing this form.</p> <p>WHO SHOULD FILE THIS FORM: All elected officials (except President, Vice President and precinct committeemen), any person appointed to fill a vacancy in an elective office, every candidate (except for the office of President, Vice President and precinct committeeman), and designated state-level appointed officials, for themselves and their immediate families for the preceding twelve months.</p> <p>FILING DEADLINE: Elected and state-level appointed officials, during month of January of each year. Candidates and officials appointed to office, within two weeks of becoming a candidate or being appointed.</p> <p>NOTE: No individual is required to file more than once in any calendar year.</p>		P.M. DATE	DATE RECEIVED
		FILE NUMBER	
<p>FORM TO BE FILED: Original copy to Public Disclosure Commission, 403 Evergreen Plaza Building - Olympia, Washington 98504. (206) 753-1111. (Retain duplicate for your files.) RCW 42.17.240 of this Law, keyed to item numbers of the report, is printed in full in the instruction booklet for this form.</p>			

(Type or print clearly)

NAME (Last name) (First name) (Middle initial)	NAMES OF SPOUSE AND DEPENDENTS LIVING IN THE HOUSEHOLD	POLITICAL PARTY - if partisan office or pertinent to appointment
HOME ADDRESS		
CITY COUNTY ZIP CODE		

OFFICE HELD (for elected or appointed officials)	DISTRICT POSITION NO.:	OFFICE SOUGHT (for candidates)	DISTRICT POSITION NO.:
TERM OF OFFICE - BEGAN:	ENDS:	IF ELECTED, TERM BEGINS:	ENDS:

ITEM	OCCUPATION	NAME OF EMPLOYER	BUSINESS ADDRESS	SALARY, WAGES OR OTHER COMPENSATION (Enter amount from Code on page 2)
1				

(See key reference in instruction booklet—include spouse and other members of immediate family if gainfully employed, and attach list if additional space is needed.)

ITEM 2	EARNINGS, INCOME OR OTHER COMPENSATION IN ANY FORM OF \$500 OR MORE (See key reference in instruction booklet)—COMPENSATION REPORTED IN ITEM 1 NEED NOT BE INCLUDED AGAIN IN THIS ITEM. <input type="checkbox"/> Check here if entry is NONE			
	NAME AND ADDRESS OF EMPLOYER OR SOURCE OF COMPENSATION	VALUE OF COMPENSATION (Enter amount from Code on Page 2)	CONSIDERATION GIVEN OR PERFORMED IN EXCHANGE FOR SUCH COMPENSATION.	

Attach list if additional space is needed.

ITEM 3	EACH BANK OR SAVINGS ACCOUNT, OR INSURANCE POLICY, WORTH MORE THAN \$5,000, AND EACH OTHER ITEM OF INTANGIBLE PERSONAL PROPERTY (SUCH AS STOCKS, BONDS, INVESTMENT AND SIMILAR ASSETS) WORTH MORE THAN \$500 (See key reference in instruction booklet)			Enter amount from Code on page 2, or number of shares
	<input type="checkbox"/> Check here if entry is NONE			
	NAME AND ADDRESS OF BANK OR INSURANCE COMPANY, OR OTHER ENTITY	NATURE OF ENTITY	NATURE OF FINANCIAL INTEREST	

Attach list if additional space is needed.

ITEM 4	CREDITORS (See key reference in instruction booklet)—LIST ONLY CREDITORS TO WHOM \$500 OR MORE WAS OWED (Does not apply to "RETAIL INSTALLMENT TRANSACTION" as defined in Chap. 63.14 RCW.) <input type="checkbox"/> Check here if entry is NONE				
	CREDITOR'S NAME AND ADDRESS	ORIGINAL amount owed (Enter amount from Code on page 2)	PRESENT amount owed (Enter amount from Code on page 2)	TERMS OF PAYMENT	SECURITY GIVEN, IF ANY (Specify property)

Attach list if additional space is needed.

ITEM 5	LIST EACH PUBLIC OR PRIVATE OFFICE, DIRECTORSHIP AND POSITION AS TRUSTEE HELD. (See key reference in instruction booklet) OFFICE OR CANDIDACY STATED IN HEADING OF REPORT NEED NOT BE INCLUDED AGAIN IN THIS ITEM. <input type="checkbox"/> Check here if entry is NONE.			
	<input type="checkbox"/> Attach list if additional space is needed.			

ITEM 6	LIST CORPORATIONS, PARTNERSHIPS, JOINT VENTURE, ASSOCIATION, UNION OR OTHER ENTITY IN WHICH IS HELD ANY OFFICE, DIRECTORSHIP, OR ANY GENERAL PARTNERSHIP INTEREST OR AN OWNERSHIP INTEREST OF 10% OR MORE.			
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Check here if entry for this item is NONE—Otherwise ATTACH LIST showing sources of income or other compensation earned or received by each such entity, and other details, as set forth in key reference in instruction booklet.

ITEM 7 WASHINGTON REAL ESTATE, THE ASSESSED VALUATION OF WHICH EXCEEDS \$2,500, PURCHASED OR OTHERWISE ACQUIRED DURING THE PRECEDING CALENDAR YEAR. (See key reference in instruction booklet) Check here if entry is NONE

LEGAL OR OTHER SUFFICIENT DESCRIPTION (see note to key reference)	NATURE OF INTEREST	CONSIDERATION GIVEN IN EXCHANGE FOR SUCH INTEREST	Enter amount from Code below

Attach list if additional space is needed.

ITEM 8 WASHINGTON REAL ESTATE, THE ASSESSED VALUATION OF WHICH EXCEEDS \$2,500, SOLD OR OTHERWISE DIVESTED DURING THE PRECEDING CALENDAR YEAR. (See key reference in instruction booklet) Check here if entry is NONE

LEGAL OR OTHER SUFFICIENT DESCRIPTION (see note to key reference)	NATURE OF CONSIDERATION RECEIVED	NAME AND ADDRESS OF PERSON FURNISHING SUCH CONSIDERATION	Enter amount from Code below

Attach list if additional space is needed.

ITEM 9 WASHINGTON REAL ESTATE, THE ASSESSED VALUATION OF WHICH EXCEEDS \$2,500, OWNED OR OTHERWISE HELD. (See key reference in instruction booklet) (If described in previous report, reference can be made to previous report.) Check here if entry is NONE

LEGAL OR OTHER SUFFICIENT DESCRIPTION. (See note to key reference)

Attach list if additional space is needed.

ITEM 10 WASHINGTON REAL ESTATE, THE ASSESSED VALUATION OF WHICH EXCEEDS \$5,000, OWNED OR OTHERWISE HELD BY A COMBINE, CORPORATION, OR SIMILAR CONCERN OR ENTERPRISE IN WHICH YOU HAD OR HAVE AN OWNERSHIP INTEREST OF 10% OR MORE. (See key reference in instruction booklet) Check here if entry is NONE

LEGAL OR OTHER SUFFICIENT DESCRIPTION. (See note to key reference)

Attach list if additional space is needed.

ITEM 11 LIST PERSONS FOR WHOM ACTUAL OR PROPOSED LEGISLATION, RULES, RATES OR STANDARDS HAVE BEEN PREPARED, PROMOTED, OR OPPOSED FOR CURRENT OR DEFERRED COMPENSATION. (See key reference in instruction booklet) Check here if entry is NONE

PERSON TO WHOM SERVICES RENDERED	DESCRIPTION OF LEGISLATION, RULES, RATES, OR STANDARDS	Amount of current or deferred compensation paid or promised to be paid (center amount from Code below)

Attach list if additional space is needed.

ITEM 12 REPORT OF "PUBLIC OFFICE FUND" (if any). LIST CONTRIBUTIONS RECEIVED TO AND EXPENDITURES MADE FROM "PUBLIC OFFICE FUND" DURING THE PRECEDING CALENDAR YEAR FOR YOUR USE IN DEFRAYING NONREIMBURSED PUBLIC OFFICE RELATED EXPENSES. (See key reference in instruction booklet). Does NOT apply to public revenues or other public funds

Check here if entry for this item is NONE—Otherwise ATTACH LIST showing such contributions, expenditures and other details, as set forth in key reference in instruction booklet.

REMARKS:

SEE ATTACHED PAGES

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with RCW 42.17.240 of this Law.

SIGNATURE

DATE

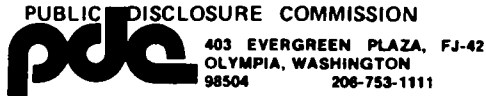
(Report is not valid unless signed)

NAME

TITLE

FINANCIAL AMOUNT CODE
A - Less than \$1,000
B - At least \$1,000 but less than \$5,000
C - At least \$5,000 but less than \$10,000
D - At least \$10,000 but less than \$25,000
E - At least \$25,000 or more

IF ADDITIONAL PAGES ARE ATTACHED IDENTIFY EACH BY ITEM NUMBER



PDC FORM F-1
STATEMENT OF FINANCIAL AFFAIRS
ELECTED OFFICIALS, CANDIDATES
AND STATE-LEVEL APPOINTED OFFICIALS
 REV. 10-79

INSTRUCTIONS Please refer to the instruction book when completing this report WHO MUST REPORT: All elected officials, persons appointed to elective office, candidates, designated state appointed officials. (Federal officials and candidates and precinct committeemen are exempt from reporting) WHEN TO REPORT: By April 15, each year you hold office. Officials whose terms expire December 31, or in January are still obligated to report the following year. Candidates or persons appointed to office report within two weeks of becoming a candidate or being appointed. SEND REPORT TO: PUBLIC DISCLOSURE COMMISSION	THIS SPACE FOR OFFICE USE																													
	<table border="1"> <tr> <th colspan="2">FINANCIAL CODE</th> <th>P. M. DATE</th> <th>DATE RECEIVED</th> </tr> <tr> <td>CODE</td> <td>AMOUNT</td> <td></td> <td></td> </tr> <tr> <td>A - Less than \$1,000</td> <td></td> <td></td> <td></td> </tr> <tr> <td>B - \$1,000 but less than \$5,000</td> <td></td> <td></td> <td></td> </tr> <tr> <td>C - \$5,000 but less than \$10,000</td> <td></td> <td></td> <td></td> </tr> <tr> <td>D - \$10,000 but less than \$25,000</td> <td></td> <td></td> <td></td> </tr> <tr> <td>E - \$25,000 or more</td> <td></td> <td></td> <td></td> </tr> </table>	FINANCIAL CODE		P. M. DATE	DATE RECEIVED	CODE	AMOUNT			A - Less than \$1,000				B - \$1,000 but less than \$5,000				C - \$5,000 but less than \$10,000				D - \$10,000 but less than \$25,000				E - \$25,000 or more				FILE NUMBER
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D - \$10,000 but less than \$25,000																														
E - \$25,000 or more																														

Name (Last name) (First name) (Middle initial)			NAMES OF SPOUSE AND DEPENDENTS		POLITICAL PARTY If partisan office or pertinent to appointment	
Home Address						
City County Zip						
OFFICE HELD (for elected or appointed officials)			OFFICE SOUGHT (for candidates)			
DISTRICT _____ POSITION NO. _____			DISTRICT _____ POSITION NO. _____			
Current term - began : ends:			If elected, term will begin: ends:			

COMPLETE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Item 1 EMPLOYMENT - List the principal place of employment (See instruction book, page 6)			
Occupation	Name of employer	Employer's business address	Salary, wages or other compensation (Use Financial Code)
Self:			
Spouse:			
Others:			
(Attach list if additional space is needed)			

Item 2 OTHER EARNINGS, INCOME OR COMPENSATION IN ANY FORM OF \$500 OR MORE (See page 7, instruction book)		
EMPLOYMENT REPORTED IN ITEM 1 NEED NOT BE SHOWN AGAIN. <input type="checkbox"/> Check here if NONE <input type="checkbox"/> Check here if information is on attached page		
Name and address of source	How was money or other compensation earned	Amount (Use Financial Code)

Item 3 EACH BANK OR SAVINGS ACCOUNT, OR INSURANCE POLICY, WORTH MORE THAN \$5,000, AND EACH OTHER ITEM OF INTANGIBLE PERSONAL PROPERTY WORTH MORE THAN \$500 (Such as stocks, bonds, investments and similar assets) (See page 8 instruction book)		
<input type="checkbox"/> Check here if NONE <input type="checkbox"/> Check here if information is on attached page		
Name and address of bank or insurance company, or other entity	Describe type of account, investment or holding	Value (use code) or number of shares

Item 4 CREDITORS: LIST ONLY CREDITORS TO WHOM \$500 OR MORE WAS OWED. (See page 9, instruction book) (Does not apply to "RETAIL INSTALLMENT TRANSACTION")				
<input type="checkbox"/> Check here if NONE <input type="checkbox"/> Check here if information is on attached page				
Creditors name and address	Original amount owed (Use code)	Present amount owed (Use code)	Terms of payment (Duration of loan, interest rate)	Security given, if any (Specify property)

Item 5 LIST EACH PUBLIC OR PRIVATE OFFICE, DIRECTORSHIP AND POSITION AS TRUSTEE HELD. (OFFICE OR CANDIDACY STATED IN HEADING OF REPORT NEED NOT BE INCLUDED AGAIN IN THIS ITEM.) (See page 10 instruction book)	
<input type="checkbox"/> Check here if NONE <input type="checkbox"/> Check here if information is on attached page	
Name of Organization, Association, Company	Office Held

Item 6 DO YOU, YOUR SPOUSE OR DEPENDENTS HOLD OFFICE, GENERAL PARTNERSHIP, DIRECTORSHIP, OR OWN 10% OR MORE IN A CORPORATION, PARTNERSHIP, JOINT VENTURE, UNION OR OTHER ENTITY?	
<input type="checkbox"/> NO <input type="checkbox"/> YES	
If answer is yes, attach list showing sources of income or other compensation earned or received by each such entity, and other details, as shown on page 10 in instruction book.	

REAL ESTATE DESCRIBED BELOW PERTAINS TO PROPERTY IN WASHINGTON STATE ONLY.

Item 7 REAL ESTATE PURCHASED OR ACQUIRED DURING LAST 12 MONTHS. REPORT EACH PARCEL WITH AN ASSESSED VALUE OVER \$2500.
 (See page 12 instruction book) Check here if entry is NONE Check here if information is on attached page.

Legal or other description	Nature of ownership interest in property	Method of payment or other consideration given	Enter amount Code
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Item 8 REAL ESTATE SOLD OR DIVESTED DURING THE LAST 12 MONTHS. REPORT EACH PARCEL WITH AN ASSESSED VALUE OVER \$2500.
 (See page 13 instruction book) Check here if entry is NONE Check here if information is on attached page.

Legal or other description	Type of payment or nature of consideration received	Name and address of person who acquired property	Enter amount Code
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Item 9 REAL ESTATE OWNED OR HELD DURING THE LAST 12 MONTHS. REPORT EACH PARCEL WITH AN ASSESSED VALUE OVER \$2500.
 (See page 13 instruction book) Check here if entry is NONE Check here if information is on attached page.

Legal or other sufficient description

Item 10 REAL ESTATE OWNED OR HELD BY A COMBINE, CORPORATION, OR SIMILAR CONCERN OR ENTERPRISE IN WHICH YOU HAD AN OWNERSHIP INTEREST OF 10% OR MORE. REPORT EACH PARCEL WITH AN ASSESSED VALUE OVER \$5,000.
 (See page 14 instruction book) Check here if entry is NONE Check here if information is on attached page.

Legal or other sufficient description

Item 11 LIST PERSONS FOR WHOM ACTUAL OR PROPOSED LEGISLATION, RULES, RATES OR STANDARDS HAVE BEEN PREPARED, PROMOTED, OR OPPOSED FOR CURRENT OR DEFERRED COMPENSATION.
 (See page 14 instruction book) Check here if entry is NONE Check here if information is on attached page.

Persons to whom services rendered	Description of legislation, rules, rates, or standards	Amount paid or promised to be paid.
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Item 12 DO YOU RECEIVE CONTRIBUTIONS TO PAY EXPENSES RELATED TO YOUR PUBLIC OFFICE? THIS DOES NOT APPLY TO PUBLIC FUNDS OR TAX REVENUES. (See page 15 instruction book)

- NO
 YES If answer is yes attach list showing such contributions, expenditures, and other details as shown in instruction book.

REMARKS: SEE ATTACHED PAGES

FINANCIAL CODE	
CODE	AMOUNT
A	Less than \$1,000
B	\$1,000 but less than \$5,000
C	\$5,000 but less than \$10,000
D	\$10,000 but less than \$25,000
E	\$25,000 or more

Please answer each item. Identify attached pages with your name, date and item number to which they apply.

SIGN YOUR REPORT.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with RCW 42.17.240 of this Law.

SIGNATURE	TELEPHONE	DATE
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Report is not valid unless signed

REPEALER

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

WAC 390-20-028 Definition of terms "communicate", "communication", "communicating", and "legislation"

WAC 390-20-051 Application of RCW 42.17.190 to lobbying of the legislature and governor

WAC 390-20-053 Application of RCW 42.17.190 to lobbying of other agencies

WAC 390-20-055 Application of RCW 42.17.190 to intra-agency activity

WSR 80-02-056
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-4—Filed January 17, 1980]

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 chum salmon are no longer present in the area.

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

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

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

APPROVED AND ADOPTED January 17, 1980.

By Gordon Sandison
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-007F0J CLOSED AREA (79-143)

WSR 80-02-057
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 88—Filed January 17, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of Lake Washington Watershed, Shilshole Bay, Lake Washington Ship Canal, and Lake Sammamish Watershed to the taking of steelhead trout by treaty Indians, new section WAC 232-32-118.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-118 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by Department of Game from information provided by fish buyers reporting sales of steelhead harvested by Treaty Indian fishermen from Lake Washington Watershed, Shilshole Bay, Lake Washington Ship Canal, and Lake Sammamish Watershed pursuant to the reporting system approved by the United States District Court in United States v. Washington, and information from the Muckleshoot Tribe indicates that the treaty share of harvestable surplus of steelhead for Lake Washington Watershed, Shilshole Bay, Lake Washington.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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 January 16, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-118 CLOSURE OF LAKE WASHINGTON WATERSHED, SHILSHOLE BAY, LAKE WASHINGTON SHIP CANAL, AND LAKE SAMMAMISH WATERSHED TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS.
It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Lake Washington Watershed, Shilshole Bay, Lake Washington Ship Canal and Lake Sammamish: effective 6:00 p.m., January 17, 1980.

WSR 80-02-058
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 89—Filed January 17, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of the Skagit River Watershed and Marine Area 8 to the taking of steelhead trout by treaty Indians, new section WAC 232-32-119.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-119 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by information provided by the licensed fish buyers reporting sales of steelhead harvested by Treaty Indian fishermen from the Skagit River Watershed and Marine Area 8 pursuant to the reporting system approved by the United States v. Washington, and information from the Skagit Cooperative of Indian Tribes indicates that the treaty share of the harvestable surplus of steelhead in the Skagit River system and Marine Area 8 will have been taken by January 16, 1980. Therefore, a closure of the Skagit River Watershed and Marine Area 8 is necessary to assure non-treaty sports fishermen the opportunity to a share of those steelhead.

Ship Canal, and Lake Sammamish Watershed has been reached. Therefore, a closure of Lake Washington Watershed, Shilshole Bay, Lake Washington Ship Canal, and Lake Sammamish is necessary to assure non-treaty sports fishermen the opportunity to take a share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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 January 16, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-119 CLOSURE OF THE SKAGIT RIVER WATERSHED AND MARINE AREA 8 TO THE TAKING OF STEELHEAD TROUT BY

TREATY INDIANS. It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Skagit River Watershed and Marine area 8: effective 6:00 p.m., January 17, 1980.

WSR 80-02-059
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
 [Memorandum, AAG—January 17, 1980]

Regular meetings of the Department of Natural Resources, Board of Natural Resources, are held on the first Tuesday of each month in the office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington, at 10 a.m.

This schedule is subject to change in the event of urgent or continuing Board business or conflicts in scheduling. Alternate dates and times will be chosen to provide for monthly meetings unless such meeting is dispensed with in accordance with RCW 43.30.150(5).

WSR 80-02-060
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Institutions)
 [Order 1480—Filed January 18, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Schedule of per capita cost—State residential schools, amending WAC 275-20-030.

This action is taken pursuant to Notice No. WSR 79-12-084 filed with the code reviser on 11/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.33.660 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1418, filed 7/19/79)

WAC 275-20-030 SCHEDULE OF PER CAPITA COST. Resident charges will be collected on the basis of the following:

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	(\$1,365.40) \$1,573.76	(\$44.89) \$ 51.74
Rainier School	(+375.44) 1,788.50	(45.22) 58.80
Yakima Valley School	(+651.32) 1,863.02	(54.29) 61.23

	Per Capita Monthly Rate	Per Capita Daily Rate
Fircrest School	((2,149.85)) 2,296.46	((76.68)) 75.50
Interlake School	((1,795.19)) 2,237.45	((59.62)) 73.56
Frances Haddon Morgan School for Blind-nonresident	((2,254.79)) 2,758.18	((74.13)) 90.68
School for Deaf-nonresident	2,023.32	66.52
Cerebral Palsy Center	1,459.70	47.99
	3,415.79	112.30

WSR 80-02-061
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1479—Filed January 18, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-83-045 Allocation of available income and non-exempt resources.
 Amd WAC 388-92-055 Allocation of income and resources.

This action is taken pursuant to Notice No. WSR 79-12-098 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-83-045. ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES.

(1) For AFDC-related, H and MO recipients available income according to WAC 388-83-030 shall be allocated in the following order to:

(a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in an institution (~~(; see WAC 388-92-025(1)(a) for SSI-related recipients)~~).

The maintenance standards in WAC 388-83-035 shall apply unless the legal dependents are applying for or receive public assistance when the grant standards in chapters 388-28 and 388-30 WAC shall apply.

(b) Maintenance needs according to WAC 388-83-040 for an applicant or recipient in an institution.

(c) Maintenance of the home of an individual who has been certified by a physician to need nursing home care (SNF, ICF, ICF/MR) for no more than six consecutive months.

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months.

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid and ceases when patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged.

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(d) Supplementary medical insurance premiums for a FAMCO recipient related to Title XVI and not in a nursing home who is eligible for medicare during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060).

~~((d))~~ (e) Health and accident insurance premiums for policies in force at time of application.

~~((e))~~ (f) Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)), except that costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.

~~((f))~~ (g) Payments made or being made for covered or noncovered medical care incurred within three months prior to month of application (FAMCO recipient only).

(h) See WAC 388-92-025 for allocation of income for SSI-related recipients.

(2) Participation in cost of care shall apply to

(a) The monthly excess income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater, if the individual is living outside an institution.

(b) The monthly excess income of a person in an institution after allowing for clothing and personal incidentals.

(c) The resources in excess of those listed in WAC 388-28-430(2)(a); WAC 388-83-055 and 388-83-060.

(d) Additional cash resources that come into possession of the recipient during a period of certification.

(e) For recipients of medical only (MO) and of non-continuing general assistance who cannot be categorically related to Title XVI, and who are not undergoing detoxification for an acute alcoholic condition, participation with excess income or nonexempt resources is applicable after allowance is made for mandatory deductions of employment, union dues, the monthly maintenance standard and a \$200 deductible per family. The \$200 deductible per family shall be applied no more than once

during a twelve-month period and is effective with the date of application. The seven day rule in WAC 388-86-120(2)(h) applies to the accrual of the deductible. The \$200 deductible is the minimum amount of participation during the twelve-month period. Participation from excess income is applied as in subdivision (2)(a) less any deductible.

(f) For recipients of medical only (MO) and of non-continuing general assistance who cannot be related to Title XVI, who are undergoing detoxification for an acute alcoholic condition, the \$200 deductible will not be required as an eligibility factor for the covered period of detoxification. Continued hospitalization for a concurrent acute and emergent condition beyond the number of days approved for detoxification as a single diagnosis will require the application of the \$200 deductible.

(3) The twenty percent increase in social security benefits shall be considered exempt income when determining eligibility and participation for:

(a) Persons who in August 1972 received OAA, AFDC, AB or DA and also received RSI benefits and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, and

(b) Current applicants for AFDC or FAMCO who were entitled to RSI benefits in August 1972 and would have been eligible for OAA, AFDC, AB or DA in August 1972 but are not currently eligible solely because of the twenty percent increase in social security benefits under Public Law 92-336.

AMENDATORY SECTION (Amending Order 1227, filed 8/8/77)

WAC 388-92-055 ALLOCATION OF INCOME AND RESOURCES. (1) Available income of SSI-related recipients shall be allocated in the following order to:

(a) Maintenance need of individual living outside an institution according to WAC 388-92-025 and 388-92-030 or legal dependents living in family home if individual is in an institution; see WAC 388-92-025(1)(a).

(b) Maintenance need for individual in an institution according to WAC 388-92-035; see WAC 388-92-025(1)(a).

(c) Maintenance of the home of an individual who has been certified by a physician to need nursing home care (SNF, ICF, ICF/MR) for no more than six consecutive months.

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months.

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid and ceases when patient is discharged to an independent living arrangement or at

the end of six months if the recipient has not been discharged.

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(d) Cost of medical insurance premiums in force at time of certification.

((~~t~~)) (e) Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)) except that

(i) Costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.

((~~e~~)) (f) Payments made or being made for covered or noncovered medical care incurred within three months prior to month of application.

(g) See WAC 388-83-045 for allocation of income for non-SSI-related recipients.

(2) Participation in cost of care shall apply to:

(a) The monthly excess income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater, if the individual is living outside an institution,

(b) The monthly excess income of an individual in an institution, after allowing for clothing and personal incidentals, until the end of six month's separation from a spouse at home when both are SSI-related recipients. See WAC 388-92-025(1)(b),

(c) The resources in excess of those in WAC 288-92-050,

(d) Additional cash resources that come into possession of the individual during a period of certification,

(e) All other resources for payment of medical care available to the individual, including the income exclusion described in WAC 388-92-025(3)(f) for a person in institution.

WSR 80-02-062

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1478—Filed January 18, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-83-040 Monthly maintenance standard—Applicant in institution.

Amd WAC 388-92-035 Monthly maintenance standard—Person in institution.

This action is taken pursuant to Notice No. WSR 79-12-099 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-83-040 MONTHLY MAINTENANCE STANDARD—APPLICANT IN INSTITUTION. The standard for clothing and personal maintenance for an individual in a skilled nursing facility or general hospital is as set forth in WAC 388-29-125. See WAC 388-92-035.

AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-92-035 MONTHLY MAINTENANCE STANDARD—PERSON IN INSTITUTION. The monthly maintenance amount for aged, blind, and disabled individuals receiving continuous care throughout a calendar month in a hospital, skilled nursing home, intermediate care facility or institution for mental disease, who are covered under Title XIX, shall be the amount allowed for medicaid recipients related to Title XVI for clothing and personal incidentals. For a person in an institution, income exclusions and disregards are allocated as participation in cost of medical care. For definition of institution see WAC 388-92-005. Individuals residing in skilled nursing, intermediate care and ICF/MR facilities may retain the current clothing, personal and incidental allowance plus the first sixty-five dollars per month from wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement.

WSR 80-02-063
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Franklin County, WAC 16-231-100, 16-231-105, 16-231-110, 16-231-120, 16-231-125, 16-231-130, 16-231-135, 16-231-140, 16-231-145, and 16-231-150;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-145 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art G. Losey
Assistant Director

WSR 80-02-064
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Okanogan County, WAC 16-231-700, 16-231-705, 16-231-710, 16-231-715, 16-231-720, 16-231-725 and 16-231-730;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-146 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-065
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Columbia County, WAC 16-231-400, 16-231-405, 16-231-410, 16-231-415, 16-231-420, 16-231-425 and 16-231-430;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-147 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-066
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Benton County, WAC 16-231-001, 16-231-005, 16-231-010, 16-231-015, 16-231-020, 16-231-025, 16-231-030 and 16-231-035;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-143 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-067
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Yakima County, WAC 16-231-200, 16-231-205, 16-231-210, 16-231-215, 16-231-220, 16-231-225, 16-231-230, 16-231-235 and 16-231-240;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-144 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-068
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21

RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Grant County, WAC 16-231-900, 16-231-905, 16-231-910, 16-231-915, 16-231-920, 16-231-925, 16-231-930, 16-231-935 and 16-231-940;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-139 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-069
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Whitman County, WAC 16-231-500, 16-231-505, 16-231-510, 16-231-515, 16-231-520, 16-231-525, 16-231-530, 16-231-535 and 16-231-540;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-140 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-070
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Klickitat County, WAC 16-231-600, 16-231-605, 16-231-610, 16-231-615, 16-231-620 and 16-231-625;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-141 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-071
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides in all counties located east of the crest of the Cascade Mountains, WAC 16-230-600, 16-230-605, 16-230-610, 16-230-615, 16-230-620, 16-230-625, 16-230-630, 16-230-635, 16-230-640, 16-230-645, 16-230-650, 16-230-655, 16-230-660, 16-230-665, 16-230-670 and 16-230-675;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-142 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-072
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Lincoln County, WAC 16-232-100, 16-232-105, 16-232-110, 16-232-115, 16-232-120, 16-232-125 and 16-232-130;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-138 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-073
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Douglas and Chelan Counties, WAC 16-231-800, 16-231-805, 16-231-810, 16-231-815, 16-231-820, 16-231-825, 16-231-830, 16-231-835, 16-231-840 and 16-231-845;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-136 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-074
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Walla Walla County, WAC 16-232-001, 16-232-005, 16-232-010, 16-232-015, 16-232-020, 16-232-025, 16-232-030, 16-232-035 and 16-232-040;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-135 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980
By: Art Losey
Assistant Director

WSR 80-02-075
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Adams County, WAC 16-231-300, 16-231-305, 16-231-310, 16-231-315, 16-231-320, 16-231-325, 16-231-330, 16-231-335, 16-231-340 and 16-231-345;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-134 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-076
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning state restricted use pesticides, WAC 16-228-162 and 16-228-165;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-133 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-077
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides in Spokane

County, WAC 16-230-420, 16-230-430 and 16-230-440;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-132 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-078
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Garfield County, WAC 16-232-200, 16-232-205, 16-232-210, 16-232-215, 16-232-220, 16-232-225 and 16-232-230;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, February 15, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-10-137 filed with the code reviser's office on October 2, 1979.

Dated: January 18, 1980

By: Art Losey
 Assistant Director

WSR 80-02-079
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order PL 333—Filed January 18, 1980]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Highways-Licenses Building, Olympia, Washington, the annexed rules relating to amendments to WAC 308-16-350, concerning textbooks used as the basic reference and authority for barber examinations.

This action is taken pursuant to Notice No. WSR 79-12-115 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.15.110 and 18.15.240 which directs that the Barber Examining Committee has authority to implement the provisions of Men's Hair Styling Act, RCW 18.15.200 - RCW 18.15.250.

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

APPROVED AND ADOPTED January 10, 1980.

By R. Y. Woodhouse
Director

AMENDATORY SECTION (Order PL 147, filed 8/14/73)

WAC 308-16-350 TEXTBOOK(S) USED FOR BARBER EXAMINATION. The latest revised edition of the Standardized Textbook of Barbering published by the Associated Master Barbers and Beauticians of America, or, after October 1, 1980, the latest revised edition of the Standard Textbook of Professional Barber - Styling, published by Milady Publishing Corporation, is the authority for barber examinations.

WSR 80-02-080
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control)
[Order 1481—Filed January 21, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to requirements for users of the Washington commercial low-level waster disposal site, new section WAC 402-19-530.

This action is taken pursuant to Notice No. WSR 79-12-082 filed with the code reviser on 11/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.98.080 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) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
Executive Assistant

NEW SECTION

WAC 402-19-530 REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL WASTE DISPOSAL SITE. (1) Purpose and scope. Each generator/shipper and each broker of low-level radioactive waste shall have a site use permit prior to the disposal of such wastes at any commercial low-level radioactive waste burial site located in the state of Washington. The term "broker" as used in these

regulations shall mean any person who acts as an agent or intermediary for a generator/shipper or another person collecting and/or agreeing to arrange for the transport of radioactive waste generated by others, provided it shall not include a carrier whose sole function is to transport low-level radioactive waste.

(2) Site use permit.

(a) Filing application for site use permit.

(i) Application for a site use permit shall be filed on departmental form RHF-30 or a clear legible record containing all the information required on that form including but not limited to: U.S. nuclear regulatory commission or agreement state license number, name of company, address, 24-hour telephone number, and contact person.

(ii) Each application shall be signed by the applicant or a person duly authorized to act for or on the applicant's behalf.

(b) A site use permit must be obtained before disposal of low-level radioactive waste at any waste burial site is permitted except as specified in subdivision (2)(c) of this section.

(c) Until September 30, 1980, a generator/shipper or broker may be permitted to use a low-level waste disposal site by submitting in writing an intent to apply for a permit.

(d) Each permit shall be renewed annually.

(e) Revocation of permit.

(i) The failure of one or more packages in a shipment of waste to be in compliance with the requirements of Title 402 WAC, the U.S. nuclear regulatory commission, or the U.S. department of transportation, may cause the revocation of this use permit for the responsible waste generator/shipper or broker. Failure to comply with the requirements in the preceding sentence may bar the acceptance of any other or subsequent shipment by the same generator/shipper or broker at the site.

(ii) The site use permit may be revoked for a specific generator/shipper or broker if a refusal to accept one or more of the shipments has been made by any other licensed commercial low-level waste burial site within the United States.

(iii) The site use permit may be reinstated provided the generator/shipper or broker submits documentation approved by the department describing its quality assurance program to achieve compliance for future shipments.

(3) Waste shipment certification. A low-level radioactive waste shipment certification shall be required to accompany each shipment of radioactive waste to the licensed low-level waste burial site. The certification shall be submitted at the burial site to the department of social and health services or its designee and must be judged to be properly executed prior to acceptance of the waste by the site operator. The certification shall be on departmental form RHF-31 or a clear legible record containing all the information required in that form, or the certification form provided for in executive order EO79-09. The information shall include but is not limited to name of company, volume of waste in shipment, shipment number, permit number (when issued), and date.

**WSR 80-02-081
EMERGENCY RULES
OFFICE OF ARCHAEOLOGY
AND HISTORIC PRESERVATION**
[Order 2—Filed January 2, 1980]

I, Jeanne M. Welch, director of the Office of Archaeology and Historic Preservation do promulgate and adopt at 111 West 21st Avenue, Olympia, WA, the annexed rules relating to the review of nominations by the State Advisory Council on Historic Preservation, and the public records of the council.

I, Jeanne M. Welch, 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 that the expeditious review of nominations to the National Register of Historic Places is one of the most important tasks of the Advisory Council. To delay the review by adhering to the normal time required by the rule adoption procedure would deny to many historic property owners the opportunity to apply for grants-in-aid during the spring application period. The delay would also mean that newly appointed members of the council could not meet in sessions where training would be available for their benefit.

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

This rule is promulgated pursuant to chapter 42.17 RCW and RCW 42.51A.120[RCW 43.51A.120] (2) and (6) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 21, 1980.

By Jeanne M. Welch
Director and Deputy State
Historic Preservation Officer

Chapter 25-12

**ADVISORY COUNCIL ON HISTORIC
PRESERVATION**

WAC

- 25-12-010 Purpose.
- 25-12-020 Definitions.
- 25-12-030 Description of Purpose and Staff.
- 25-12-040 Procedures.
- 25-12-050 Public Records Available.

NEW SECTION

WAC 25-12-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of

Chapter 1, Laws of 1973 (Chapter 42.17 RCW) in particular that portion dealing with public records.

NEW SECTION

WAC 25-12-020 DEFINITIONS. (1) *Public Records.* "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) *Writing.* Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) *Advisory Council on Historic Preservation.* The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "Council."

(4) *Office of Archaeology and Historic Preservation.* The Office of Archaeology and Historic Preservation is that agency established pursuant to RCW 43.51A.030, and is hereinafter referred to as the "Office." The Office provides staff for the Council.

(5) *State Historic Preservation Officer.* The State Historic Preservation Officer is that person appointed pursuant to RCW 43.41A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

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 25-12-030 DESCRIPTION OF PURPOSE AND STAFF. The Council is of an advisory nature for the governor and the Office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the Council by the Office.

The administrative location of the Council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The Council meets on the last Friday of every third month unless otherwise agreed by a majority of the members of the Council at the meeting held immediately preceding.

NEW SECTION

WAC 25-12-040 PROCEDURES. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) *Individuals expressing an interest in a property to be nominated shall first receive a survey-inventory form. The form, when returned to the Office with a recent photograph, will be the basis for further action on the property.*

(2) If it appears likely to the Office of Archaeology and Historic Preservation that the property will meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the Office for review and evaluation.

(3) The Office shall not schedule any nomination for review by the Council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the State or National Registers of Historic Places.

(4) The Office may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(5) The Office shall prepare and distribute standards of acceptability for nominations, such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(6) The Office will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the Council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(7) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(8) Federally effected properties which have been determined under Federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without referring the nomination to the Council for further consideration.

(9) Following Council review, the Council will transmit its recommendations to the SHPO. When the Council has reviewed and approved a procedurally correct nomination and forwards it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination is one that is within the discretion of the SHPO. All Council determinations regarding nominations are advisory only.

NEW SECTION

WAC 25-12-050 PUBLIC RECORD AVAILABLE. All public records of the Council, as defined in WAC 25-18-020, are available for public inspection and copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 130, except as otherwise provided by RCW 42.17.310.

**WSR 80-02-082
PROPOSED RULES
OFFICE OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
[Filed January 21, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Archaeology and Historic Preservation intends to adopt, amend, or repeal rules concerning compliance by the agency with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Tuesday, March 11, 1980, in the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.320 and RCW 43.51A.080(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980.

Dated: January 21, 1980
By: Jeanne M. Welch
Director and Deputy State
Historic Preservation Officer

Chapter 25-18

PUBLIC RECORDS

WAC

- 25-18-010 Purpose.
- 25-18-020 Definitions.
- 25-18-030 Public Records Available.
- 25-18-040 Public Records Officer.
- 25-18-050 Office Hours.
- 25-18-060 Requests for Public Records.
- 25-18-070 Copying.
- 25-18-080 Exemptions.
- 25-18-090 Review of Denials of Public Records Requests.
- 25-18-100 Protection of Public Records.
- 25-18-110 Communications.
- 25-18-120 Adoption of Form.
- 25-18-130 Request for Public Records.

NEW SECTION

WAC 25-18-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Office of Archaeology and Historic Preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

NEW SECTION

WAC 25-18-020 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 characteristic.

(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.

(3) "Office of Archaeology and Historic Preservation" shall mean the agency established pursuant to by RCW 43.41A.030, hereinafter referred to as the "office."

(4) "State Historic Preservation Officer" shall mean that person appointed pursuant to RCW 43.41A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

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 25-18-030 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 25-18-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 25-18-080.

NEW SECTION

WAC 25-18-040 PUBLIC RECORDS OFFICER. The office's public records shall be in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: the implementation of office policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (Chapter 42.17 RCW).

NEW SECTION

WAC 25-18-050 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours. 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 p.m., Monday through Friday, excluding legal holidays. All public records of the agency are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

NEW SECTION

WAC 25-18-060 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 25-18-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 25-18-080 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;
- (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;
- (f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area.

NEW SECTION

WAC 25-18-070 COPYING. No fee shall be charged for the inspection of public records. The office shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the office copy equipment. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

NEW SECTION

WAC 25-18-080 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-18-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 25-18-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the SHPO. The SHPO shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the SHPO 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 25-18-100 PROTECTION OF PUBLIC RECORDS. Records are available for inspection and copying at the location and during office hours identified in WAC 25-18-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee.

NEW SECTION

WAC 25-18-110 COMMUNICATIONS. All communications with the office including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of decisions and other matters, shall be addressed as follows: State Historic Preservation Officer, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA 98504.

NEW SECTION

WAC 25-18-120 ADOPTION OF FORM. The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-18-130, entitled "Request for Public Record."

NEW SECTION

WAC 25-18-130 REQUEST FOR PUBLIC RECORD.

To: State Historic Preservation Officer
Office of Archaeology and Historic Preservation
111 West 21st Avenue
Olympia, WA 98504

Name of requestor: _____

Address of requestor: _____
(Street)

(City) (State) (Zip)

Date of request: _____
(Month) (Day) (Year)

Time of request: _____
AM
PM
(Hour)

What information is requested? _____

Are copies requested? _____

If so, how many? _____

Total pages _____

Fee charged _____ \$ _____

Pages x \$ _____

WSR 80-02-083
EMERGENCY RULES
OFFICE OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
[Order 1—Filed January 21, 1980]

I, Jeanne M. Welch, director of the Office of Archaeology and Historic Preservation, do promulgate and adopt at 111 West 21st Avenue, Olympia, WA, the annexed rules relating to the establishment of an Historic Preservation Grants Advisory Committee.

I, Jeanne M. Welch, 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 that the Historic Preservation Grants Advisory Committee is a fundamental element of this agency's Open Project Selection Process. That process is required by the Heritage Conservation and Recreation Service if the state is to continue to receive grant funds for historic preservation projects. Failure to develop the process may preclude the issuing of grants in Federal fiscal year 1981; planning through the Historic Preservation Grants Advisory Committee must begin as soon as possible to prepare this state's response.

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

This rule is promulgated pursuant to RCW 43.51A-.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 21, 1980.
By Jeanne M. Welch
Director and Deputy State
Historic Preservation Officer

Chapter 25-24

**HISTORIC PRESERVATION GRANTS
ADVISORY COMMITTEE**

WAC

25-24-010	<i>Purpose.</i>
25-24-020	<i>Definitions</i>
25-24-030	<i>Description of Purpose and Staff.</i>
25-24-040	<i>Composition.</i>
25-24-050	<i>Duties and Responsibilities</i>
25-24-060	<i>Procedures</i>
25-24-070	<i>Public Records Available.</i>

NEW SECTION

WAC 25-24-010 PURPOSE. *The purpose of this chapter is to establish an Historic Preservation Grants Advisory Committee to assist the State Historic Preservation Officer in the disbursement of grant funds as provided in RCW 43.51A.090.*

NEW SECTION

WAC 25-24-020 DEFINITIONS. *(1) Committee. Committee means the Historic Preservation Grants Advisory Committee as established by this chapter, hereinafter referred to as the Committee.*

(2) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.41A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic Preservation Fund. The Historic Preservation Fund means the annual allocation provided that state by the Federal government to fulfill the intent of the National Historic Preservation Act of 1966 (PL89-665).

(4) Grants. Grant means a sum of money assigned from the Historic Preservation Fund to accomplish a specific acquisition or development project.

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

NEW SECTION

WAC 25-24-030 DESCRIPTION OF PURPOSE AND STAFF. *The Committee is of an advisory nature for the State Historic Preservation Officer. Financial and*

administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement, shall be provided the Committee by the Office of Archaeology and Historic Preservation.

NEW SECTION

WAC 25-24-040 COMPOSITION. The committee shall be composed of five members: a member of a minority race or legally cognizable group, an architect experienced in the rehabilitation of historic structures, a resident of eastern Washington, and a resident of western Washington, both with an interest in historic preservation; and a member of the Washington State Trust for Historic Preservation. Members shall serve staggered terms of three years and shall be appointed by the State Historic Preservation Officer.

NEW SECTION

WAC 25-24-050 DUTIES AND RESPONSIBILITIES. The Committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of grants from the Historic Preservation Fund;

(2) To receive public testimony of applicants and others concerned with the distribution of historic preservation grants or their administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for grants made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of grant proposals and public testimony, to recommend to the SHPO the distribution of acquisition or development grants from the Historic Preservation Fund; and

(5) In all its reviews and recommendations, to be consistent with Federal program guidelines for the administration of the Historic Preservation Fund.

NEW SECTION

WAC 25-24-060 PROCEDURES. The following is a statement of the general course and method followed in the assignment of a grant from the Historic Preservation Fund.

(1) Interested persons and organizations submit applications to the Office of Archaeology and Historic Preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the Committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the Committee.

(4) The Committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;

(5) The Committee forwards its priority to the SHPO for review prior to inclusion in the state's annual Historic Preservation Fund request;

(6) The SHPO examines the priority developed by the Committee, considers it in comparison with Federal and state grant criteria and the state historic preservation plan, amends it if necessary, within his discretion, and directs its inclusion in the Historic Preservation Fund request.

NEW SECTION

WAC 25-24-070 PUBLIC RECORDS AVAILABLE. All public records of the Committee are available for public inspection and copying at the Office of Archaeology and Historic Preservation, pursuant to WAC 25-18-010 through 130. Financial information provided by grant applicants for which confidentiality has been requested shall be exempt.

WSR 80-02-084

PROPOSED RULES

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

[Filed January 21, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Archaeology and Historic Preservation intends to adopt, amend, or repeal rules concerning the review of nominations to the State and National Registers of Historic Places, and the public records of the Council;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Tuesday, March 11, 1980, in the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA.

The authority under which these rules are proposed is chapter 42.17 RCW, RCW 43.51A.120(2) and (6) and RCW 43.51A.080(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980.

Dated: January 21, 1980

By: Jeanne M. Welch

Director and Deputy State
Historic Preservation Officer

Chapter 25-12

ADVISORY COUNCIL ON HISTORIC PRESERVATION

WAC

25-12-010	Purpose.
25-12-020	Definitions.
25-12-030	Description of Purpose and Staff.
25-12-040	Procedures.
25-12-050	Public Records Available.

NEW SECTION

WAC 25-12-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of Chapter 1, Laws of 1973 (Chapter 42.17 RCW) in particular that portion dealing with public records.

NEW SECTION

WAC 25-12-020 DEFINITIONS. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or

proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) **Writing.** Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **Advisory Council on Historic Preservation.** The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "Council."

(4) **Office of Archaeology and Historic Preservation.** The Office of Archaeology and Historic Preservation is that agency established pursuant to RCW 43.51A.030, and is hereinafter referred to as the "Office." The Office provides staff for the Council.

(5) **State Historic Preservation Officer.** The State Historic Preservation Officer is that person appointed pursuant to RCW 43.41A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

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 25-12-030 DESCRIPTION OF PURPOSE AND STAFF. The Council is of an advisory nature for the governor and the Office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the Council by the Office. The administrative location of the Council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The Council meets on the last Friday of every third month unless otherwise agreed by a majority of the members of the Council at the meeting held immediately preceding.

NEW SECTION

WAC 25-12-040 PROCEDURES. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) Individuals expressing an interest in a property to be nominated shall first receive a survey-inventory form. The form, when returned to the Office with a recent photograph, will be the basis for further action on the property.

(2) If it appears likely to the Office of Archaeology and Historic Preservation that the property will meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the Office for review and evaluation.

(3) The Office shall not schedule any nomination for review by the Council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the State or National Registers of Historic Places.

(4) The Office may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(5) The Office shall prepare and distribute standards of acceptability for nominations, such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(6) The Office will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the Council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(7) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(8) Federally effected properties which have been determined under Federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without referring the nomination to the Council for further consideration.

(9) Following Council review, the Council will transmit its recommendations to the SHPO. When the Council has reviewed and approved a procedurally correct nomination and forwards it to the

SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit nomination is one that is within the discretion of the SHPO. All Council determinations regarding nominations are advisory only.

NEW SECTION

WAC 25-12-050 PUBLIC RECORD AVAILABLE. All public records of the Council, as defined in WAC 25-18-020, are available for public inspection and copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 130, except as otherwise provided by RCW 42.17.310.

**WSR 80-02-085
PROPOSED RULES
OFFICE OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
[Filed January 21, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Archaeology and Historic Preservation intends to adopt, amend, or repeal rules concerning the establishment of an Historic Preservation Grants Advisory Committee, to advise the State Historic Preservation Officer in matters pertaining to grants-in-aid and the selection of grants, and to enhance public participation in the conduct of the grant program of the Office of Archaeology and Historic Preservation;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Tuesday, March 11, 1980, in the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA.

The authority under which these rules are proposed is RCW 43.51A.090 and 43.51A.080(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980.

Dated: January 21, 1980
By: Jeanne M. Welch
Director and Deputy State
Historic Preservation Officer

Chapter 25-24

**HISTORIC PRESERVATION GRANTS ADVISORY
COMMITTEE**

WAC	
25-24-010	Purpose.
25-24-020	Definitions
25-24-030	Description of Purpose and Staff.
25-24-040	Composition.
25-24-050	Duties and Responsibilities
25-24-060	Procedures
25-24-070	Public Records Available.

NEW SECTION

WAC 25-24-010 PURPOSE. The purpose of this chapter is to establish an Historic Preservation Grants Advisory Committee to assist the State Historic Preservation Officer in the disbursement of grant funds as provided in RCW 43.51A.090.

NEW SECTION

WAC 25-24-020 DEFINITIONS. (1) **Committee.** Committee means the Historic Preservation Grants Advisory Committee as established by this chapter, hereinafter referred to as the Committee.

(2) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.41A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic Preservation Fund. The Historic Preservation Fund means the annual allocation provided that state by the Federal government to fulfill the intent of the National Historic Preservation Act of 1966 (PL89-665).

(4) Grants. Grant means a sum of money assigned from the Historic Preservation Fund to accomplish a specific acquisition or development project.

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

NEW SECTION

WAC 25-24-030 DESCRIPTION OF PURPOSE AND STAFF. The Committee is of an advisory nature for the State Historic Preservation Officer. Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement, shall be provided the Committee by the Office of Archaeology and Historic Preservation.

NEW SECTION

WAC 25-24-040 COMPOSITION. The committee shall be composed of five members: a member of a minority race or legally cognizable group; an architect experienced in the rehabilitation of historic structures; a resident of eastern Washington, and a resident of western Washington, both with an interest in historic preservation; and a member of the Washington State Trust for Historic Preservation. Members shall serve staggered terms of three years and shall be appointed by the State Historic Preservation Officer.

NEW SECTION

WAC 25-24-050 DUTIES AND RESPONSIBILITIES. The Committee shall have the following duties and responsibilities:

- (1) To advise the SHPO in the selection and adoption of state criteria for the assignment of grants from the Historic Preservation Fund;
- (2) To receive public testimony of applicants and others concerned with the distribution of historic preservation grants or their administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;
- (3) To review the recommendations for grants made by the staff of the SHPO, and to endorse or amend them;
- (4) Following the review of grant proposals and public testimony, to recommend to the SHPO the distribution of acquisition or development grants from the Historic Preservation Fund; and
- (5) In all its reviews and recommendations, to be consistent with Federal program guidelines for the administration of the Historic Preservation Fund.

NEW SECTION

WAC 25-24-060 PROCEDURES. The following is a statement of the general course and method followed in the assignment of a grant from the Historic Preservation Fund.

- (1) Interested persons and organizations submit applications to the Office of Archaeology and Historic Preservation on forms provided for the purpose;
- (2) Application forms are reviewed by staff using criteria established by the Committee and SHPO;
- (3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the Committee.
- (4) The Committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;
- (5) The Committee forwards its priority to the SHPO for review prior to inclusion in the state's annual Historic Preservation Fund request;
- (6) The SHPO examines the priority developed by the Committee, considers it in comparison with Federal and state grant criteria and the state historic preservation plan, amends it if necessary, within his discretion, and directs its inclusion in the Historic Preservation Fund request.

NEW SECTION

WAC 25-24-070 PUBLIC RECORDS AVAILABLE. All public records of the Committee are available for public inspection and copying at the Office of Archaeology and Historic Preservation, pursuant to WAC 25-18-010 through 130. Financial information provided by grant applicants for which confidentiality has been requested shall be exempt.

WSR 80-02-086 PROPOSED RULES INSURANCE COMMISSIONER [Filed January 21, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning continuing education procedures and requirements that must be met by agents, solicitors and brokers to maintain their licenses. A copy of the proposed rules is shown below, however, changes may be made to the proposed rules before final adoption;

that such agency will at 2 p.m., Thursday, March 13, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Tuesday, March 18, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060 and 48.17.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 14, 1980, and/or orally at 10 a.m., Thursday, March 13, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

Dated: January 21, 1980

By: Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-17-200 PURPOSE. The purpose of this regulation is to implement the provisions of RCW 48.17.150 by establishing the minimum continuing education requirements that must be met prior to the renewal of an insurance agent's or broker's license.

NEW SECTION

WAC 284-17-210 DEFINITIONS. As used in this continuing education regulation, unless the context requires otherwise:

- (1) "Course" includes courses, programs of instructions, correspondence courses and seminars.
- (2) "Hours" means the time assigned by the Commissioner as recognition for the satisfactory completion of an approved course. For college level work entirely on approved subjects, 12 hours will be assigned for each "credit hour." For other programs of study, the number of hours assigned will normally be based upon the number of classroom contact hours or their equivalent. However, based on the evaluation of the course content, the number of hours assigned may be less than the total amount of time spent by the student in the course.
- (3) "Licensee" means each natural person licensed as a resident or no-resident insurance agent, solicitor or broker, except those holding Title Only Agent and limited licenses pursuant to RCW 48.17.190.

(4) "Certificate of participation" means a document signed by the course instructor or other responsible officer which shall signify satisfactory participation in the course and shall reflect hours of credit earned. Such certificates shall be in standard form as prescribed by the Insurance Commissioner.

NEW SECTION

WAC 284-17-220 CONTINUING EDUCATION REQUIREMENT. (1) Each licensee shall be required to satisfactorily complete 24 hours of course work in the twelve month period immediately prior to the agent's or broker's assigned license renewal date: PROVIDED, that those licensees holding the designation of Certified Life Underwriter, Chartered Property and Casualty Underwriter, Certified Insurance Counselor, Fellow Life Management Institute and comparable designations approved by the Commissioner for this purpose shall be required to participate in and receive credit for only 12 hours of course work.

(2) The courses participated in and for which credit is received shall be reported to the Commissioner as part of the application for license renewal and shall be subject to verification.

(3) If the home state of a non-resident agent is determined to have a continuing education program substantially comparable to that of Washington, satisfaction of the continuing education requirement of the home state may be accepted as meeting Washington's requirement.

NEW SECTION

WAC 284-17-230 ELIGIBLE COURSES - ADVANCE APPROVAL REQUIRED. (1) Courses eligible for approval for the continuing education program shall be those courses related to insurance. General education courses and sales motivation courses shall not be eligible for approval.

(2) All courses must be approved prior to the beginning of study in order to be applied toward satisfaction of the continuing education requirement.

NEW SECTION

WAC 284-17-240 APPROVED CONTINUING EDUCATION COURSES. Continuing education courses must be approved by one of the following methods in order to contribute toward satisfaction of the continuing education requirement:

(1) Course Automatically Approved. The following course shall be automatically approved:

(a) Any part of the Life Underwriter Training Council Life or Health Course Curriculum.

(b) Any part of the American College "CLU" diploma Curriculum, advanced study programs and CLU Institutes.

(c) Any part of the Insurance Institute of America's program of insurance.

(d) Any part of the American Institute for Property and Liability Underwriter's Chartered Property Casualty Underwriter (CPCU) professional designation program.

(e) Any part of the Certified Insurance Counselor program.

(f) Insurance related courses taught by a college or university that is accredited by the Northwest Association of Schools and Colleges, for which credit is granted.

(2) Courses Conducted by Approved Insurers and Organizations. Insurance companies and associations of agents or brokers may, upon request to and approval by the Insurance Commissioner, approve courses to be conducted and taught under their supervision and responsibility. Such courses shall be presumed to be approved by the commissioner unless the organization is advised otherwise. Requests must include the following information:

(a) The name of the organization.

(b) A description of the manner in which courses will be reviewed and approved.

(c) A statement by the responsible employees or officers of the organization agreeing to comply with regulations in approving courses and "hours" attributed to course.

(d) An agreement to provide a certification of participation and hours earned to each successful student.

(e) An agreement to maintain records of student course completions for 3 years.

(3) Courses Individually Approved. Organizations or individuals not included in any of the above categories that desire to have courses approved for continuing education credit may submit their request to the

Insurance Commissioner for individual approval or disapproval. The requests shall be submitted simultaneously with the request for "hours" approval.

NEW SECTION

WAC 284-17-250 APPROVAL OF HOURS. (1) Insurance companies and associations of agents or brokers that have been authorized to approve courses shall assign the number of continuing education "hours" to each course conducted and taught under their supervision and responsibility. Such assignment shall be subject to review and revision as necessary by the Commissioner to ensure consistency in hours assigned to comparable courses.

(2) The Commissioner shall approve the number of hours assigned to each course for which individual course approval is required.

(3) A course outline shall be filed for each course for which approval is sought by an approved insurance company, or by approved association of agents or brokers and by any organization whose courses require individual approval. The course outline shall include:

(a) An outline of the subject matter to be covered.

(b) The method of presentation or teaching.

(c) An explanation of the criteria to be used in determining whether the course is satisfactorily completed.

(d) The criteria for selecting the individual or individuals doing the teaching.

(e) The number of hours assigned (in the case of approved insurance companies or organizations of agents or brokers) or requested to be assigned for those courses where individual course approval is required.

(f) Other information supporting the request for course and/or hours approval.

(4) The instructor of a course shall receive the same number of hours credit for teaching a course as is allowed for a student taking the course.

NEW SECTION

WAC 284-17-260 APPROVED COURSES OR ORGANIZATIONS - LOSS OF APPROVAL. (1) The approval of a course, or of an organization to approve courses, may be suspended or revoked by the Commissioner if he determines that:

(a) The course content has been significantly changed without notice to the Commissioner and the change affects the number of hours assigned to the course.

(b) A certificate of participation and hours earned is or has been issued to any individual who did not complete the course.

(c) Certificates of participation and hours earned are not given to individuals who have satisfactorily completed the course.

(d) The actual instruction of the course is determined by the commissioner to be inadequate.

(e) In the commissioner's discretion, the course or courses offered fail to meet the objectives of the statutes requiring continuing education for insurance agents and brokers.

(2) Reinstatement of a suspended or revoked approval may be made upon furnishing of satisfactory proof that the conditions responsible for the suspension have been corrected.

NEW SECTION

WAC 284-17-270 WAIVER OF CONTINUING EDUCATION REQUIREMENT. Any licensee, who believes that good cause exists, may request a waiver of the continuing education requirement. Requests shall be in writing, received prior to the expiration of the licensee's existing license and specify in substantive detail the reason or reasons why the licensee believes a waiver of the continuing education requirement for the current license renewal is merited.

NEW SECTION

WAC 284-17-280 CONTINUING EDUCATION ADVISORY COMMITTEE. There is hereby created a continuing education advisory committee to provide assistance and advice as requested by the Commissioner in the implementation of the continuing education advisory committee. The committee shall be made up of five members:

(1) One member appointed by the Independent Insurance Agents and Brokers of Washington.

(2) One member appointed by the Washington State Association of Life Underwriters.

(3) One member appointed by the Professional Insurance Agents of Washington.

(4) On member appointed by the Association of Insurance Brokers - Pacific Northwest.

(5) One member appointed by the General Agents and Managers Association.

NEW SECTION

WAC 284-17-290 FIRST DATE WHEN CONTINUING EDUCATION REQUIREMENT MUST BE MET. Beginning with those license renewals falling due on or after October 1, 1981, each licensee shall be required to present evidence of completing the annual continuing education requirement prior to license renewal. To coordinate with the conversion to a staggered license renewal schedule:

(1) If the license renewal period then ending is for more than a twelve month period, the continuing education requirement that must be met will be for a twelve month period plus the appropriate proration of a twelve month period.

(2) Any continuing education course taken after April 1, 1980, will be allowed to be applied to the continuing education requirement that must be met for the first license renewal that falls due on or after October 1, 1981.

NEW SECTION

WAC 284-17-300 LICENSE RENEWAL REQUESTED - CONTINUING EDUCATION REQUIREMENT NOT SATISFIED. In the event that a licensed insurance agent or broker requests license renewal and fails to present evidence of completion of the continuing education requirement, the licensee shall be notified by mail of the apparent deficiency and provided with reasonable opportunity to show compliance in accordance with provisions of RCW 34.04.170.

WSR 80-02-087

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF GAME**

(Game Commission)

[Memorandum, Chief—January 18, 1980]

The Game Commission will hold the following meetings in 1980:

	Dates	Locations
Statutory:	April 7	Olympia
	July 7	Seattle
	October 6	Pasco
Special:	May 19-20	Longview
	August 25-26	Ellensburg

WSR 80-02-088

**ADOPTED RULES
DEPARTMENT OF TRANSPORTATION**

[Order 47—Filed January 22, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to new section 468-42-125 WAC. No stopping, standing or parking is permitted along both sides of State Route 125 adjacent to Walla Walla Penitentiary.

This action is taken pursuant to Notice No. WSR 79-12-044 filed with the code reviser on 11/26/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

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

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

APPROVED AND ADOPTED January 14, 1980.

By W. A. Bulley
Secretary of Transportation

NEW SECTION

WAC 468-42-125 STATE ROUTE 125. Walla Walla vicinity. Stopping, standing, and parking are prohibited on both sides of State Route 125 from the north city limits of Walla Walla, at Mile Post 6.76, to Mile Post 7.71, a distance of 0.95 mile.

WSR 80-02-089

**PROPOSED RULES
INSURANCE COMMISSIONER**

[Filed January 22, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the mandatory submission of documents by insurers for examination by the Washington Insurance Examining Bureau, Inc.; adding an exception with respect to certain commercial lines. A copy of the proposed amendment is shown below, however, the final wording of the amendment may be changed prior to adoption;

that such agency will at 10 a.m., Wednesday, March 12, 1980, in the Insurance Commissioner's Office, 2nd Floor Insurance Building, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, March 12, 1980, in the Insurance Commissioner's Office, 2nd floor, Insurance Building, Olympia, WA.

The authority under which these rules are proposed is RCW 48.02.060 and 48.19.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980, and/or orally at 10 a.m., Wednesday, March 12, 1980, in the Insurance Commissioner's Office, 2nd floor, Insurance Building, Olympia, Washington.

Dated: January 22, 1980

By: Robert E. Johnson
Deputy Commissioner

AMENDATORY SECTION (Order R-68-4, filed 7/3/68)

WAC 284-20-005 WASHINGTON INSURANCE EXAMINING BUREAU, INC.—RATES AND ADHERING TO FILINGS.

(1) For the purpose of ascertaining that lawful rates are being charged and that insurers are adhering to filings made by them or on their behalf, every insurer authorized to write property insurance in the State of Washington shall submit to the Washington Insurance Examining Bureau, Inc. for examination all policies, daily reports, binders, renewal certificates, endorsements, and other evidence of insurance or the cancellation thereof, which relate to property insurance, as defined in RCW 48.11.040 (known in the insurance industry as "fire and allied

lines,") except personal lines, and except commercial lines where the rate is a composite of at least property insurance and casualty insurance rates, if such commercial lines' policies are produced and stored through a computer system. However, the first twenty-five of such policies issued at inception and after each computer change affecting the rating of policies must be submitted for audit. For the purpose of this regulation personal line property insurance shall be limited to include only the following: Homeowners policies covering dwelling units and/or their contents, fire and allied lines coverage on dwelling buildings only, dwelling buildings and contents, or household contents of dwellings. The term "dwelling," as used herein, shall be dwellings to which the dwelling tariff of the Washington Surveying and Rating Bureau applies. Copies of that tariff are available on request from the Insurance Commissioner's office.

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

WSR 80-02-090

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE [Memorandum—January 22, 1980]

Notification of Meeting Cancellation

You are hereby notified that the January 24, 1980 meeting of the Board of Trustees of Whatcom Community College, District Number Twenty-One, has been cancelled.

WSR 80-02-091

PROPOSED RULES DEPARTMENT OF LICENSING (Board of Nursing) [Filed January 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning approval of schools of nursing, amending WAC 308-120-100; definitions, and adding new sections WAC 308-120-205; philosophy governing approval of schools of nursing, WAC 308-120-206; purposes of board approval of schools of nursing, WAC 308-120-207; purpose, philosophy and objectives for approved schools of nursing, WAC 308-120-208; organization and administration for approved schools of nursing, WAC 308-120-209; resources, facilities and services for approved schools of nursing, WAC 308-120-210; nurse administrator for approved schools of nursing, WAC 308-120-211; faculty for approved schools of nursing, WAC 308-120-212; curriculum for approved schools of nursing, WAC 308-120-213; students in approved schools of nursing, WAC 308-120-214; program evaluation by approved schools of nursing, WAC 308-120-215; reports to the board of nursing by approved schools of nursing, WAC 308-120-216; survey visits, WAC 308-120-217; board action following survey visits, WAC 308-120-218; restoration of approval, WAC 308-120-219; appeal of board decisions, WAC 308-120-220; consultation services, WAC 308-120-221; closure of an approved school of nursing, WAC

308-120-222; establishment of a new school of nursing and repealing WAC 308-120-120, 308-120-130 and 308-120-140. (A copy of the proposed rules is shown below, however, changes may be made at the public hearing.);

that such agency will at 9:00 a.m., Friday, March 21, 1980, in the Sea-Tac Red Lion, Mercury Room, 18740 Pacific Highway South, Seattle, 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, March 21, 1980, in the Sea-Tac Red Lion, Mercury Room, 18740 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1980, and/or orally at 9:00 a.m., Friday, March 21, 1980, Sea-Tac Red Lion, Mercury Room, 18740 Pacific Highway South, Seattle, WA.

Dated: January 23, 1980
By: Margaret M. Sullivan
Executive Secretary

AMENDATORY SECTION (Order PL 124, filed 5/26/72)

WAC 308-120-100 DEFINITIONS. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses (~~qualified for the state licensing examinations.~~) Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) (~~"Accredited school of nursing" means a school of nursing which has met the requirements of the law and of the board and is currently accredited by the board.~~

(a) ~~"Full accreditation" — a school which has met the requirements of the board, has demonstrated the ability to provide an adequate educational program and has been accredited by the board.~~

(b) ~~"Tentative accreditation" — a new school of nursing which requires time to demonstrate its eligibility for accreditation.~~

(c) ~~"Continued accreditation" — accreditation continued for those schools which maintain the minimum standards.~~

(d) ~~"Conditional accreditation" — a school of nursing which has failed to maintain minimum standards and has been duly notified that it must meet the board's recommendations within one year from date of the notice.)~~ "Initial approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) (~~Types of basic programs in nursing education:~~

(a) ~~"Associate degree program" — a school of nursing conducted by a college which prepares the person for an associate degree in nursing, qualifying him/her for the state examination for registered nurse license.~~

(b) ~~"Baccalaureate degree program" — a school of nursing conducted by a college or university which prepares the person for a baccalaureate degree in nursing, qualifying him/her for the state examination for registered nurse license.~~

(c) ~~"Diploma program" — a school of nursing conducted by a hospital which prepares the person for a diploma in nursing, qualifying him/her for the state examination for registered nurse license.)~~ "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) (~~"Extended campus" — any area used for instruction in which the instructional personnel accompany the students to the area and plan and supervise all clinical experiences for the student.)~~ "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the

rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) ~~((²Affiliation~~) the agency or institution to which students are sent in which teaching and supervision of practice of the student are done by the agency or institution.) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended Learning Sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

~~((⁷))~~ (8) "Faculty" means ~~((personnel))~~ persons who are responsible for the educational program of the school ~~((, under whose guidance the students in the basic nursing program have substantial learning experience))~~ of nursing and who hold faculty appointment in the school.

~~((⁸))~~ (9) "Nursing student" is ~~((one who is))~~ a person currently enrolled in an ~~((accredited))~~ approved school of nursing. ~~((Enrollment shall be construed to include continuous time from initial enrollment to graduation, but not include leave of absence or withdrawal, temporary or permanent, from the educational program.))~~

~~((⁹))~~ (10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of professional nursing.

(a) "Direction, control and supervision" - the nursing aide may function only under the "direction, control, and supervision" of the licensed professional nurse. She may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She should never perform duties or functions beyond her educational and professional nursing preparation, as determined by the school in which she is enrolled. Supervision, direction and control shall include, but not be limited to, the following:

(1) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her level of educational and professional preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and
(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities - employer, school of nursing, and nursing aide":

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) School of nursing. It is the responsibility of the school of nursing to furnish the prospective employer of the nursing aide with written evidence of this student's educational and professional preparation. Evidence of this student's educational and professional preparation should include types of patients for whom she is prepared to care, specific procedures which she can perform, and additional nursing functions which she is prepared to do.

(iii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her preparation as specified by her school of nursing.

~~((¹⁰))~~ (11) ~~((²Definition of terms appearing in RCW 18.88.280 (Nurse Practice Act)~~) - the terms "supervision", "auxiliary services", "minor nursing services" are defined as follows:

~~((a) The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered professional nurse.~~

~~((b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered and professional nurse, the licensed practical nurse and the student nurse.~~

~~((c) "Supervision, direction and control" shall include, but not be limited to the following:~~

~~((i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of educational preparation.~~

~~((ii) An awareness of the activity of auxiliary personnel.~~

~~((iii) A continuing evaluation of the performance of the auxiliary personnel.~~

~~((iv) It is the responsibility of the employers to obtain and maintain records of those persons carrying out auxiliary services.~~

~~((v) It is, also, the responsibility of the employing agency to provide for the preparation of those persons who will be performing auxiliary services.~~

~~((vi) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.))~~ "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

~~((¹¹) "Registered nurse" as used in these rules shall mean a nurse as defined in RCW 18.88.030 and RCW 18.88.170.))~~

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

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

NEW SECTION

WAC 308-120-205 PHILOSOPHY GOVERNING APPROVAL OF SCHOOLS OF NURSING. While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose, and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

NEW SECTION

WAC 308-120-206 PURPOSES OF BOARD APPROVAL OF SCHOOLS OF NURSING. The board approves schools of nursing for the following purposes:

(1) To insure the safe practice of nursing by setting minimum standards for schools of nursing preparing persons for licensure as registered nurses,

(2) To provide the public and prospective students with a list of schools of nursing that meet the minimum standards,

(3) To safeguard the educational preparation of the students,

(4) To assure the graduates of approved schools of their eligibility for admission to the licensing examination for registered nurses, and

(5) To facilitate interstate endorsement of graduates from board approved schools of nursing.

NEW SECTION

WAC 308-120-207 PURPOSE, PHILOSOPHY AND OBJECTIVES FOR APPROVED SCHOOLS OF NURSING. (1) The purpose, philosophy and objectives of the school shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The school shall have a statement of philosophy that is consistent with the philosophy of the college or university.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective and psychomotor capabilities of the graduate.

(4) The philosophy and objectives shall be used by the faculty in planning, implementing and evaluating the total program.

NEW SECTION

WAC 308-120-208 ORGANIZATION AND ADMINISTRATION FOR APPROVED SCHOOLS OF NURSING. (1) Accreditation of colleges and universities and of extended learning sites:

(a) Colleges and universities which sponsor a school of nursing shall be accredited by their appropriate accrediting bodies.

(b) Extended learning sites shall be accredited or approved by the appropriate body.

(2) There shall be adequate financial support to provide stability for the development and continuation of the school of nursing.

(3) School of nursing organization and administration:

(a) Administration of the school of nursing shall be the responsibility of a nurse administrator.

(b) There shall be an organizational chart showing lines of authority, formal communication and cooperative relationships among the school of nursing and the educational, administrative and support service units of the college or university.

(c) Administrative policies shall be stated clearly and be available in written form.

(d) Administrative records shall be maintained and shall include general school records, faculty vitae, minutes of faculty and committee meetings, and reports to the college or university.

(e) The nurse administrator of the school of nursing shall be responsible for preparing budget recommendations and for budget administration.

(f) Allocation of the school budget shall reflect the purpose, philosophy and objectives of the school.

(g) A current school bulletin shall be available and shall provide an accurate description of the school of nursing and its program.

NEW SECTION

WAC 308-120-209 RESOURCES, FACILITIES AND SERVICES FOR APPROVED SCHOOLS OF NURSING. (1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Offices shall have adequate space for clerical staff, records, files and other equipment.

(3) Extended learning sites:

(a) A variety of sites may be utilized for student experience. These may include hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, and public health departments.

(b) Extended learning sites shall provide learning experiences of sufficient number and variety for student achievement of the course/curriculum objectives.

(c) Written agreement shall be maintained between the school and the extended learning sites. Such agreement shall be reviewed periodically and shall state the responsibilities and privileges of each party.

(d) Extended learning sites shall be approved by the board for their educational use.

(4) Library facilities shall be provided for use by the faculty and students. Physical arrangement, usefulness, scope and currency of books, periodicals, and hours shall be appropriate for the purpose of the school and the number of faculty and students.

(5) Secretarial and support services shall be adequate to meet the needs of the nursing program.

NEW SECTION

WAC 308-120-210 NURSE ADMINISTRATOR FOR APPROVED SCHOOLS OF NURSING. (1) Nurse administrators shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A minimum of a master's degree in nursing from an accredited college or university, which includes evidence of preparation in administration, curriculum development and/or teaching.

(c) A minimum of five (5) years of professional experience in the practice of nursing which includes two (2) years teaching in an approved school of nursing and one (1) year administrative experience in nursing.

Exceptions shall be justified to and approved by the board of nursing.

(2) Nurse administrators are responsible for the following functions:

(a) Create and maintain an environment conducive to teaching and learning.

(b) Serve as liaison with the central administration and other units of the college or university.

(c) Organize and administer the nursing program.

(d) Provide educational leadership for the faculty and students of the school.

(e) Facilitate recruitment, selection and development of qualified faculty.

(f) Recommend faculty for appointment, promotion, tenure and retention.

(g) Facilitate program evaluation and development.

(h) Plan and administer the budget.

(i) Facilitate arrangements for all necessary resources and services.

(j) Facilitate peer and student evaluation of teaching effectiveness.

(k) Facilitate development of long range goals and objectives for the nursing program.

(l) Facilitate the recruitment, selection and retention of students.

(m) Assure that the minimum rules/regulations of the state board of nursing are effectively implemented.

(3) The nurse administrator shall have sufficient time provided for carrying out administrative responsibilities. Instructional responsibilities of the nurse administrator shall be consistent with the scope of the administrative responsibility.

NEW SECTION

WAC 308-120-211 FACULTY FOR APPROVED SCHOOLS OF NURSING. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) Academic preparation and professional experience consistent with their respective areas of responsibility.

(c) A minimum of a master's degree in nursing shall be required for faculty appointed after January 1, 1985.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve (12) students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type, and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing.

NEW SECTION

WAC 308-120-212 CURRICULUM FOR APPROVED SCHOOLS OF NURSING. (1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, instructional methods and placement of courses shall be consistent with the philosophy and objectives of the school and of the college or university.

(3) The curriculum shall reflect faculty-wide participation in its planning, implementation and evaluation.

(4) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined or presented as separate courses;

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology, and anthropology, which may be integrated, combined or presented as separate courses;

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing which may be integrated, combined or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing;

(d) History, trends, and legal and ethical issues pertaining to the nursing profession which may be integrated, combined or presented as separate courses. Baccalaureate programs shall include study of research principles;

(e) Opportunities for the student to learn assessment of needs, planning, implementation and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership;

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness and rehabilitation. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program; and

(g) Opportunities for the student to participate in cooperative action in health care directed toward improvement of health services.

(5) Provision shall be made for a systematic and periodic evaluation of the curriculum by faculty and students.

(6) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board at least three (3) months prior to implementation and in accordance with procedures outlined by the board.

NEW SECTION

WAC 308-120-213 STUDENTS IN APPROVED SCHOOLS OF NURSING. (1) Policies and procedures for selection, admission, promotion, graduation, withdrawal and dismissal shall be consistent with the policies of the college or university, and shall be available in written form.

(2) Students who seek admission by transfer from another approved school of nursing, or readmission for completion of the program, shall meet the school's current standards required of those regularly enrolled.

(3) A comprehensive system of student records shall be maintained and shall include:

(a) Application for admission which shall include, but not be limited to the following: completed application form, official transcript of completion of high school or equivalent GED, and/or college work. A physical examination and report on health status is highly recommended.

(b) Performance evaluation reports, which shall be completed at systematic intervals in keeping with the objectives of the program.

(c) Course and clinical experience records.

NEW SECTION

WAC 308-120-214 PROGRAM EVALUATION BY APPROVED SCHOOLS OF NURSING. There shall be a systematic, ongoing, written plan for evaluation of the program, with evidence of its implementation, that is directed toward the improvement of the program. The plan shall include, but not be limited to:

(1) Purpose, philosophy and objectives

(2) Organization and administration

(3) Resources, facilities and services

(4) Faculty

(5) Curriculum

(6) Students

(7) Evaluation of student achievement and performance, including performance on the State Board Test Pool Examinations

(8) Follow-up studies on performance of graduates.

NEW SECTION

WAC 308-120-215 REPORTS TO THE BOARD OF NURSING BY APPROVED SCHOOLS OF NURSING. (1) An annual report concerning the program and progress of the school for the period July 1 to June 30 shall be submitted by each school on forms supplied by the board.

(2) Written notification shall be sent to the board regarding major changes related to, but not limited to, the following:

(a) Change in the nurse administrator,

(b) Organizational change,

(c) Changes in the program of study,

(d) Changes in extended learning sites.

The information submitted to the board shall include the rationale for the proposed change with comparison to the present situation.

(3) The board may require such additional reports as it deems necessary.

NEW SECTION

WAC 308-120-216 SURVEY VISITS. (1) The board of nursing, through its authorized representative, shall survey each school of nursing in the state at least every four years. More frequent visits may occur as deemed necessary by the board or at the request of the school.

(2) The survey visit to the program shall be scheduled on dates mutually acceptable to the board and to the school.

(3) The board shall require a comprehensive self-evaluation report by the nurse administrator and the faculty of the school of nursing based on the rules and regulations for approval of schools and in accordance with guidelines and forms provided by the board.

(4) Four copies of the self-evaluation report shall be submitted to the board at least one month prior to the scheduled visit.

(5) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year.

(6) The authorized representative of the board shall prepare a report of the survey visit to be submitted to the board. The school shall receive a copy of the report. If the school is in disagreement with any portion of the report, it may furnish written materials regarding its disagreement to be presented to the board for its consideration.

NEW SECTION

WAC 308-120-217 BOARD ACTION FOLLOWING SURVEY VISITS. (1) Whenever a matter directly concerning a school of nursing is being considered by the board, any board member who is associated with the school of nursing shall not participate in the deliberation or decision-making action of the board.

(2) Each school shall be evaluated in terms of its total program.

(3) The board shall give written notice to the college or university and the nurse administrator of the school of nursing regarding its decision on the school's approval status.

(4) Full approval shall be granted a school of nursing that meets the requirements of the law and the rules and regulations of the board. Full approval may carry recommendations for continued improvement.

(5) Conditional approval shall be granted a school that has failed to meet the minimum standards contained in the law and the rules and regulations of the board. Conditions that must be met within a designated time period shall be specified in writing.

(a) A conditionally approved school shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

- (i) Restoration of full approval;
 - (ii) Continuation of conditional approval for a specified period of time; or
 - (iii) Removal of approval.
- (6) Approval shall be removed if a school of nursing fails to meet conditions stipulated by the board.

NEW SECTION

WAC 308-120-218 RESTORATION OF APPROVAL. A school of nursing may petition the board for restoration of approval by submitting evidence that it is in compliance with the minimum standards for schools of nursing.

NEW SECTION

WAC 308-120-219 APPEAL OF BOARD DECISIONS. A school of nursing deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provision of chapter 18.88 RCW and the Washington State Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 308-120-220 CONSULTATION SERVICES. Consultation will be provided by the board at the request of a school of nursing. A request for consultation shall be in writing and shall include the purpose and objectives for the visit.

NEW SECTION

WAC 308-120-221 CLOSURE OF AN APPROVED SCHOOL OF NURSING. (1) When a college or university has decided to discontinue its school of nursing, it should immediately send written notification of its plans to the board.

(2) A school in the process of closing shall remain approved until the enrolled students have been graduated, provided that the minimum standards are maintained.

(3) Upon graduating its last students, board approval of the school of nursing shall be terminated.

(4) A college or university closing a school of nursing shall provide for safe storage of vital school records and shall confer with the board concerning the matter.

NEW SECTION

WAC 308-120-222 ESTABLISHMENT OF A NEW SCHOOL OF NURSING. (1) Application.

(a) An organization desiring to establish a board approved school of nursing shall submit an application in the form requested by the board. It is recommended that the organization seek consultation from the board in the initial planning of the program.

(b) The organization shall submit a statement that addresses the need for the program and the size and type of the program proposed in the relation to the nursing needs of the geographical area to be served. The statement also shall include information on the potential students, the potential impact on other schools of nursing in the geographic area, the availability of learning experiences, anticipated human and material resources, community support, relationship of school to parent organization, purposes and accreditation status of the sponsoring organization, and tentative time table for initiating the program.

(c) Supplementary information may be sought by the board through a site visit.

(d) If the board's review of the statement and any supplementary information provided results in approval of the plan, the organization shall be notified that program development may proceed.

(2) Program development.

(a) At least one year in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a tentative program. The tentative program plan shall include:

- (i) Purpose, philosophy and objectives;
- (ii) Organization and administration;
- (iii) Budget;
- (iv) Resources, facilities and services;

(v) Provisions for faculty, including qualifications, functions, organization and faculty/student ratio;

(vi) Curriculum, including course descriptions;

(vii) Policies and procedures for student selection: admission; progression; withdrawal and graduation; and record system;

(viii) Sample form of written agreements between the school and extended learning sites;

(ix) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the tentative program plan at least five weeks prior to a scheduled board meeting at which the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall meet with the board to present the formal application and clarify and amplify materials included in the written report.

(d) The board shall either grant or withhold initial approval of the proposed nursing program.

(e) Schools receiving initial approval shall:

(i) Submit course outlines to the board for review and approval at least three months prior to offering the course, and

(ii) Submit progress reports as requested by the board.

(f) Survey visits shall be scheduled as deemed necessary by the board during the period of initial approval.

(3) At least four months prior to graduation of the first class, a school shall be surveyed to assess its eligibility for full approval. (See WAC 308-120-216 and WAC 308-120-217 regarding Survey Visits and Board Action Following Survey Visits.)

REPEALER

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

WAC 308-120-120 POLICY REGARDING LICENSING OF GRADUATES OF U.S. NAVAL HOSPITAL CORPS SCHOOLS.

WAC 308-120-130 MINIMUM STANDARDS FOR ACCREDITED SCHOOLS OF NURSING.

WAC 308-120-140 PROCEDURES FOR ACCREDITATION OF SCHOOLS OF NURSING.

WSR 80-02-092

PROPOSED RULES

COMMISSION ON EQUIPMENT

[Filed January 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning standards for vehicle connecting devices and towing methods, chapter 204-70 WAC;

that such agency will at 1:30 p.m., Friday, February 15, 1980, in the large conference room, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, February 15, 1980, in the large conference room, General Administration Building, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 46.37.005, 46.37.320 and 46.37.490.

Interested persons may submit data, views or arguments to this agency in writing to be received by this agency prior to February 15, 1980, and/or orally at 1:30 p.m., Friday, February 15, 1980, large conference room, General Administration Building, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-12-040 and 79-12-102

filed with the code reviser's office on November 21, 1979 and December 5, 1979.

Dated: January 23, 1980.
By: Lt. R.C. Dale
Secretary

WSR 80-02-093
ADOPTED RULES
COMMISSION ON EQUIPMENT
[Order 7720K—Filed January 23, 1980]

Be it resolved by the Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to towing businesses, chapter 204-66 WAC.

This action is taken pursuant to Notice No. WSR 79-11-147 filed with the code reviser on 11/7/79. 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 Commission on Equipment as authorized in RCW 46.37.005.

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

APPROVED AND ADOPTED December 21, 1979.

By Lt. R.C. Dale
Secretary

AMENDATORY SECTION (Amending Order 7720B, filed July 27, 1978)

WAC 204-66-060 INSPECTIONS. Upon receipt of an application for a letter of appointment, the secretary of the commission shall cause the patrol to conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant qualifies for the issuance of a letter of appointment pursuant to these regulations. Verification must be shown to the inspector that the applicant's request for a letter of appointment complies with or is authorized variance from all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established.

(1) Inspections will be conducted at least once a year.

(2) Inspectors will be designated by the district commander.

(3) After a letter of appointment has been issued, the district commander will cause to be affixed to each qualified tow truck a decal indicating that a particular tow truck has been "approved" by the commission.

(a) The decal will be affixed to the windshield on the lower right corner.

(b) Upon termination of a letter of appointment, the decal will immediately be removed.

(c) Upon sale or other transfer of the truck from the business, the operator shall so advise the secretary to the

commission and shall remove the decal prior to the sale or transfer of the vehicle.

(d) Upon the purchase or acquisition of any additional tow truck to be used pursuant to this regulation, the operator shall immediately notify the commission and request an inspection of the new unit by the patrol.

WSR 80-02-094
ADOPTED RULES
LIQUOR CONTROL BOARD
[Order 69, Resolution 78—Filed January 23, 1980]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, 5th Floor, Olympia, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC 314-16-040, Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (Rule 19).

This action is taken pursuant to Notice No. WSR 80-02-035 filed with the code reviser on 1/10/80. 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, 66.08.060 and 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 22, 1980.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Rule 19, filed 6/13/63)

WAC 314-16-040 SERVICE LIMITED TO LICENSE AND ORDER—REMOVAL OF LIQUOR IN OPEN CONTAINERS—ROOM SERVICE—PRICE LIST. (RULE 19) (1) No retail licensee shall possess or allow any person to consume any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control.

(2) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises.

(3) No holder of a Class H License shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

~~((3))~~ (4) Hotel room service is included in on-premises licenses.

~~((4))~~ (5) No Class H licensee shall sell or serve any spirituous liquor other than ordered, or substitute a non-alcoholic beverage when an alcoholic beverage has been ordered. Such licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

~~((5))~~ (6) No holder of a Class C license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned", "Whiskey Sour", "Singapore Sling", "Martini", "Manhattan", nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, nor under any name which is so similar to the above prohibited names as to be readily confused therewith in the public mind. Nor shall any holder of a Class C license, in the mixing or compounding of any mixed drink, use any mixer or other substance whatsoever which contains any of the aromatic compounds and/or essential oils which give to any spirituous liquor its distinctive characteristics of aroma, bouquet and flavor. Nothing in this section shall deny to any holder of a Class C license the right to advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

WSR 80-02-095
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed January 23, 1980]

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 kraft pulping mills, amending chapter 173-405 WAC;

that such agency will at 10:00 a.m., Monday, March 10, 1980, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, 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, March 20, 1980, in Room 273, Department of Ecology Headquarters, Lacey, Washington.

The authority under which these rules are proposed is RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1980; and/or orally at 10:00 a.m., Monday, March 10, 1980, Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

Dated: January 23, 1980

By: Elmer C. Vogel
 Deputy Director

AMENDATORY SECTION (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

~~((7))~~ (2) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards set forth in 40 C.F.R. part 60 and part 61.

(ii) The applicable state implementation plan emission limitation, or

(iii) The emission rate specified as a permit condition.

(4) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(5) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

~~((2))~~ (6) "Continual monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(7) "Department" means the state of Washington department of ecology.

~~((3))~~ (8) "Emission" means a release into the outdoor atmosphere of air contaminants.

~~((4))~~ (9) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

~~((5))~~ (10) "Equivalent air-dried kraft pulp" means unbleached pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

~~((6))~~ "Department" means the State of Washington Department of Ecology.)

(11) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(12) "Fugitive emission" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are reentrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

~~((7))~~ (13) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

~~((8))~~ (14) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers.

(15) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitation is not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(16) "Major source" means any source which has potential emissions exceeding one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons.

(17) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(18) "New source" means a source which commenced construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(19) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+9)) (20) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

((+10)) (21) "Opacity" means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+11)) (22) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

((+12)) (23) "Particulate matter" means a small, discrete mass of solid or liquid matter, but not including uncombined water.

((+13)) (24) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

(25) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential rate of a source.

(26) "Reasonably available control technology (RACT)" means the lowest emission limit that a kraft mill is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual mill taking into account the impact of the source upon air quality, the availability of additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for kraft mills may be adopted as an order or regulation after public hearing.

((+14)) (27) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

((+15)) (28) "Standard condition" means a temperature of 60°F. and a pressure of 29.92 inches of mercury.

((+16)) (29) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(30) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

NEW SECTION

WAC 173-405-033 STANDARDS OF PERFORMANCE. For kraft mills which commenced construction after September 24, 1976, Title 40, code of federal regulations part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to November 1, 1979 is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department.

NEW SECTION

WAC 173-405-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

- The incident was reported as required;
- Complete details were furnished the department or agency;
- Appropriate remedial steps have been taken; and
- The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(d) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

NEW SECTION

WAC 173-405-078 EMISSION INVENTORY. The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

NEW SECTION

WAC 173-405-086 NEW SOURCE REVIEW. (1) Whenever the construction, installation or establishment of a new kraft pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of

ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement or alteration of any process or source, other than the replacement of equipment as covered in subsection 2(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project. (4) The department of ecology shall review the notice of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source, and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emission of the contaminants for which nonattainment has been designated except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources at the time the application for approval was filed, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER and NSPS required by subsections (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-405-081(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through 4(h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (4)(a), (4)(b), and where applicable, (4)(c) through 4(h) of this section in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulation in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

REPEALER

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

- (1) WAC 173-405-076 REPORT OF STARTUP, SHUT-DOWN, BREAKDOWN OR UPSET CONDITION.
- (2) WAC 173-405-081 NOTICE OF CONSTRUCTION.

WSR 80-02-096

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed January 23, 1980]

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 sulfite pulping mills, amending chapter 173-410 WAC;

that such agency will at 10:00 a.m., Monday, March 10, 1980, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, 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, March 20, 1980, in Room 273, Department of Ecology Headquarters, Lacey, WA.

The authority under which these rules are proposed is RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1980, and/or orally at 10:00 a.m., Monday, March 10, 1980, Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

Dated: January 23, 1980

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 76-36, filed 12/28/76)

WAC 173-410-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

((+7))(2) "Acid plant" ((-)) means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

((+3))(3) "Air quality standard" ((-)) means an established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

((+3))(4) "Air contaminant" ((-)) means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 C.F.R. part 60 and 61.

(ii) The applicable state implementation plan emission limitation.

(iii) The emission rate specified as a permit condition.

((+4))(6) "Ambient air" ((-)) means the surrounding outside air.

((+5))(7) "Average daily emission" ((-)) means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

((+6))(8) "Average daily production" ((-)) means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(9) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. For the purposes of this chapter the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

((+7))(10) "Blow system" ((-)) includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(11) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

((+8))(12) "Continual monitoring" ((-)) means sampling and analysis in a continuous or time sequence, using techniques which will adequately reflect actual emission levels, ambient air levels or concentrations on a continuous basis.

((+9))(13) "Department" ((-)) means the state of Washington department of ecology.

((+10))(14) "Director" ((-)) means the director of the department of ecology or his authorized representative.

((+11))(15) "Emission" ((-)) means a release into the outdoor atmosphere of air contaminants.

((+12))(16) "Emission standard" ((-)) means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

(17) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved

roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(18) "Fugitive emission" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are restrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

((+13))(19) "Fugitive particulate" ((-)) means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(20) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(21) "Major source" means any source which has a potential emission limit of one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(22) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(23) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+14))(26) "Opacity" ((-)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+15))(27) "Other sources" ((-)) means sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling on condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those included in the emission standard limitations in WAC 173-410-031.

((+16))(28) "p.p.m." (parts per million) ((-)) means parts of a contaminant per million parts of gas by volume.

((+17) "Primary Air Mass Station"—A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(18) "Primary Ground Level Monitoring Station"—Stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be ten to fifteen feet above ground level with a desired optimum height of twelve feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.)

((+19))(29) "Particulate matter" ((-)) means a small discrete mass of solid or liquid matter, but not including uncombined water. (sentative of the immediate area.)

(30) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

((20))(31) "Recovery system" ((=)) means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

((21) "Standard Conditions" - A temperature of 60° F. and a pressure of 29.92 inches of mercury.)

((22))(32) "Special station" ((=)) means any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(33) "Standard conditions" means a temperature of 60° F. and a pressure of 29.92 inches of mercury.

((23))(34) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers.

((24))(35) "Sulfur oxides" ((=)) means sulfur dioxide, sulfur trioxide and other sulfur oxides.

((25))(36) "Total reduced sulfur (TRS)" ((=)) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

(37) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

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

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

NEW SECTION

WAC 173-410-067 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

- (a) The incident was reported as required;
- (b) Complete details were furnished the department or agency;
- (c) Appropriate remedial steps have been taken; and
- (d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(d) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

NEW SECTION

WAC 173-410-071 EMISSION INVENTORY. The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

NEW SECTION

WAC 173-410-086 NEW SOURCE REVIEW. (1) Whenever the construction, installation or establishment of a new sulfite pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of equipment as covered in subsection (2)(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications, and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice of construction and plans, specifications, and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour; or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS).

Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D, 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour;

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER, and NSPS required by subsection (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-410-086(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

REPEALER

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

WAC 173-410-066 REPORT OF STARTUP, SHUTDOWN,
BREAKDOWN, OR UPSET.

WAC 173-410-081 NOTICE OF CONSTRUCTION.

WSR 80-02-097
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
[Filed January 23, 1980]

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 primary aluminum plants, amending chapter 18-52 WAC;

that such agency will at 10:00 a.m., Monday, March 10, 1980, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, 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, March 20, 1980, in Room 273, Department of Ecology Headquarters, Lacey, Washington.

The authority under which these rules are proposed is RCW 70.04.011[70.94.011], 70.94.331, 70.94.152 and 43.21A.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1980, and/or orally at 10:00 a.m., Monday, March 10, 1980, Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

Dated: January 23, 1980

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 C.F.R. parts 60 and 61.

(ii) The applicable state implementation plan emission limitation.

(iii) The emission rate specified as a permit condition.

((+)) (5) "All sources" ((=)) means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house and collection, treatment and recovery systems.

((2)) (6) "Ambient air" ((=)) means the surrounding outside air.

((3)) (7) "Anode baking plant" ((=)) means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

((4)) (8) "Anode plant" ((=)) means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(9) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed primary aluminum plant or modification which the department of ecology, on a case-by-case basis, taking into account energy, environmental, and economic impact and other costs, determines is achievable for such plant or modification through application of production processes or available methods, systems, and techniques. In no event shall application of the best available control

technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 and part 61. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(10) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

((5)) (11) "Cured forage" ((=)) means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

((6)) (12) "Department" ((=)) means state of Washington department of ecology.

((7)) (13) "Emission" ((=)) means a release into the outdoor atmosphere of air contaminants.

((8)) (14) "Emission standard" ((=)) means the limitation on the release of a contaminant or multiple contaminants into the ambient air.

((9)) (15) "Fluorides" ((=)) means matter containing fluoride ion.

((10)) (16) "Forage" ((=)) means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

((11)) (17) "Fugitive ((=)) particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(18) "Fugitive emissions" means contaminants which are generated by industrial or other activities which are released to the atmosphere through openings such as windows, vents or doors, ill-fitting oven closures, rather than through primary exhaust systems or are reintroduced from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(19) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or (b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(20) "Major source" means any source which has potential emissions exceeding one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(21) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(22) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(23) "New source" means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((12)) (26) "Opacity" ((=)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((13)) (27) "Particulate matter" ((=)) means a small, discrete mass of solid or liquid matter, but not including uncombined water.

(28) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control

equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential rate of a source.

((14)) (29) "Primary aluminum plant" ((=)) means those plants which will or do operate for the purpose of or related to producing aluminum metal from aluminum oxide (alumina).

((15)) (30) "Pot line primary emission control ((Systems)) system" ((=)) means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(31) "Reasonably available control technology (RACT)" means the lowest emission limit that a primary aluminum plant is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual plant taking in to account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any primary aluminum plan may be adopted as an order or regulation after public hearing.

((16)) (32) "Regularly scheduled monitoring" ((=)) means sampling and analyses in compliance with a program and schedule approved pursuant to WAC ((18-52-050)) 18-52-061.

((17)) (33) "Standard dry cubic foot of gas" ((=)) means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

(34) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-041 REVISION OF EMISSION STANDARDS.

(1) A public hearing shall be called within ninety days after submission of the results of the special studies provided for under WAC 18-52-080 herein to evaluate the special studies, current technology and adequacy of these regulations, and to make revisions to the regulations, as necessary.

(2) The department may, after public hearing, establish more restrictive emission limits for new primary aluminum plants or for plants that expand existing facilities. Data documenting projected emissions and changes in or effects upon air quality that would result from the construction or expansion must be submitted to the department, together with plans and specifications, in accordance with WAC ((18-52-091(3))) 18-52-056(3).

NEW SECTION

WAC 18-52-051 STANDARDS OF PERFORMANCE.

For primary aluminum plants which commenced construction after September 24, 1976, Title 40, code of federal regulations, part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to November 1, 1979, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology.

NEW SECTION

WAC 18-52-056 NEW SOURCE REVIEW. (1) Whenever the construction, installation or establishment of a new primary aluminum plant is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes

are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of equipment as covered in subsection 2(a) of this section, which will increase potential emissions or ambient concentrations of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour; or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour;

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER and NSPS required by (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 18-52-056(4).

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department.

NEW SECTION

WAC 18-52-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the department or appropriate air pollution control authority within one working day. Abnormal operations such as startup and shutdown operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

- (a) The incident was reported as required; and
- (b) Complete details were furnished the department or agency; and
- (c) Appropriate remedial steps have been taken; and
- (d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emissions.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(d) The amount and duration of the excess emissions, as well as the impact of the emissions on ambient air quality, were minimized by taking all reasonable steps.

NEW SECTION

WAC 18-52-086 EMISSION INVENTORY. The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, fluorides,

volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

REPEALER

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

- (1) WAC 18-52-050 COMPLIANCE.
- (2) WAC 18-52-076 REPORT OF STARTUP, SHUT-DOWN, BREAKDOWN OR UPSET CONDITION.
- (3) WAC 18-52-091 NOTICE OF CONSTRUCTION.

WSR 80-02-098
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Filed January 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 21.20.450, that the Department of Licensing, Securities Division intends to adopt, amend, or repeal rules concerning definitions, WAC 460-10A-015; general rules, WAC 460-16A-085; broker-dealers and salespersons, WAC 460-20A-220; real estate programs, WAC 460-32A-235; exempt securities, WAC 460-42A-080 and 460-42A-085; exempt transactions, WAC 460-44A-010, 460-44A-030, 460-44A-041, 460-44A-045, 460-44A-060, 460-44A-065, 460-44A-070 and 460-44A-075; and financial statements, WAC 460-60A-015. (Copies of the proposed rules are shown below, however, changes may be made at the public hearing);

that such agency will at 10 a.m., Thursday, March 13, 1980, in the 4th Floor Conference Room A, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Monday, March 17, 1980, in the Securities Division, 3rd Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is WAC 460-10A-015 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-16A-085 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-20A-200 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-32A-235 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20

RCW. WAC 460-42A-080 and 460-42A-085 are promulgated pursuant to RCW 21.20.310(8) and are intended to administratively implement that statute. WAC 460-44A-030, 460-44A-041 and 460-44A-060 are promulgated pursuant to RCW 21.20.320(1) and (9) and are intended to administratively implement those statutes. WAC 460-44A-045, 460-44A-065 and 460-44A-070 are promulgated pursuant to RCW 21.20.320(1) and (9) and are intended to administratively implement those statutes. WAC 460-44A-075 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-60A-015 is promulgated pursuant to RCW 21.20.210(14)(d) and is intended to administratively implement that statute. WAC 460-42A-080, 460-42A-085, 460-44A-030, 460-44A-040, 460-44A-060, 460-44A-045, 460-44A-065, 460-44A-070 and 460-60A-015 are promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-44A-040 is repealed pursuant to RCW 21.20.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-44A-010 is promulgated pursuant to RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980, and/or orally at 10 a.m., Thursday, March 13, 1980, 4th Floor Conference Room A, Highways-Licenses Building, Olympia, Washington.

Dated: January 23, 1980
 By: W. Howard Fischer
 Assistant Attorney General

AMENDATORY SECTION (Amending Order #304, filed 2-28-75)

WAC 460-10A-015 DIVISION. Means the Securities Division of the Department of (~~Motor Vehicles~~) Licensing.

AMENDATORY SECTION (Amending Order #304, filed 2-28-75)

WAC 460-16A-085 OPTIONS TO UNDERWRITERS. Options granted by the issuer to underwriters or other persons as compensation, in whole or in part, for the sale of securities must be reasonable in amount and in terms and conditions under the circumstances of the particular issue. Options which meet the following requirements are presumptively reasonable(;;):

(1) The number of shares or units called for by such option does not exceed (~~five~~) ten percent of the number of shares or units underwritten for the issuer in the offering.

(2) The options do not exceed five years in total duration.

(3) The options are exercisable at an exercise price which is initially not less than the public offering price of the securities underwritten and the options provide for an increase of the exercise price by seven percent of the initial exercise price for each full year such options are outstanding; or the options are exercisable at a price which is not less than 120 percent of the public offering price of the securities underwritten.

(4) The options are not deliverable to the underwriters until the entire issue has been sold, whether it is underwritten on a firm commitment or a best-efforts arrangement.

(5) The options are nontransferable other than by will or pursuant to the laws of descent and distribution, except to a partner of the underwriter when the underwriter is a partnership or to a stockholder of

the underwriter or beneficiary of a trust which is a stockholder of such underwriter when the underwriter is a corporation.

(6) Either the exercise of the options, or the resale, transfer and assignment of the shares underlying the options, is prohibited for a period of at least one year from the date of the offering.

AMENDATORY SECTION (Amending Order #304, filed 2-28-75)

WAC 460-20A-220 ((SALESMAN)) SALESPERSON EXAMINATIONS. (1) Every applicant for registration as a securities salesperson, unless exempt as provided herein, shall pass the Washington state securities salesperson examination. Every applicant shall pass such examination unless such applicant:

(a) Has within the preceding five years passed a National Association of Securities Dealers (N.A.S.D.) series 1, series 7, series 40 or nonmember test series 1 examination and has been employed as a securities salesperson since such passage by broker-dealers who were at the time of said employment members of N.A.S.D. or were registered brokers with the state of Washington; or

(b) Has within the preceding five years passed the Uniform Securities Agent State Law Exam (U.S.A.S.L.E.) series 63 and has been employed as a securities salesperson since such passage by broker-dealers who were at the time of said employment members of N.A.S.D. or were registered brokers with the state of Washington. PROVIDED, That in addition to such passage of U.S.A.S.L.E. such applicant shall demonstrate proof of passage of a general securities exam conducted by N.A.S.D.; or

(c) Is exempt under the original offering provision of RCW 21.20.070.

(2) Employment with broker-dealers who are members of N.A.S.D. or registered with the state of Washington as required in (1)(a) and (b) shall be deemed continuous if the securities salesperson has been absent from securities sales employment for no more than two years.

(3) The time and place for ((examinations required pursuant to RCW 21.20.070)) the Washington state securities salesperson examination will be available from the Division upon request. Applications for examination must be received in the division at least two weeks prior to the examination date in order to be scheduled for that examination. If the applicant fails to show up for a scheduled examination he will automatically be rescheduled for the next examination. Unexcused failure to show up for two scheduled examinations will result in the application being denied. In order to reapply it will be necessary for the applicant to submit a new application along with the appropriate fees.

AMENDATORY SECTION (Amending Order #304, filed 2-28-75)

WAC 460-32A-235 STATEMENT OF INVESTMENT OBJECTIVES. A nonspecified property program shall state types of properties in which it proposes to invest, such as first-user apartment projects, subsequent-user apartment projects, shopping centers, office buildings, unimproved land, etc., and the size and scope of such projects shall be consistent with the objectives of the program. As a minimum the following restrictions on investment objectives shall be observed:

(1) Unimproved or nonincome producing property shall not be acquired except in amounts and upon terms which can be financed by the program's proceeds or from cash flow. Normally, investments in such property shall not exceed 10 percent of the gross proceeds of the offering.

(2) Investments in junior trust deeds and other similar obligations shall be limited. Normally such investments shall not exceed 10 percent of the gross proceeds of the program.

(3) The maximum amount of aggregate indebtedness which may be incurred by the program shall be limited. Normally this should not exceed ((50)) 80 percent of the purchase price of all properties on a combined basis.

(4) The manner in which acquisitions will be financed, including the use of an all-inclusive note or wraparound, and the leveraging to be employed shall all be fully set forth in the statement of investment objectives.

(5) The statement shall indicate whether the program will enter into joint venture arrangements and the projected extent thereof.

AMENDATORY SECTION (Amending Order #SD 57-79, filed 8-14-79)

WAC 460-42A-080 BLUE CHIP EXEMPTION. (1) Any security that meets all of the following conditions is exempted under RCW 21.20.310(8):

(a) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of such agent in its prospectus;

(b) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(c) Neither the issuer nor a significant subsidiary has had a material default during the lesser of the last seven years or the issuer's existence in the payment (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more. A "material default" is a failure to pay, the effect of which is to cause indebtedness to become due prior to its stated maturity or to cause termination or reentry under a lease prior to its stated expiration, if the indebtedness or the rental obligation for the unexpired term exceeds five percent of the issuer's (and its consolidated subsidiaries) total assets, or if the arrearage in required dividend payments on preferred stock is not cured within thirty days;

(d) The issuer has had annual consolidated net income (before extraordinary items and the cumulative effect of accounting changes) as follows: (i) At least one million dollars in four of its last five fiscal years including its last fiscal year, and (ii) if the offering is of interest bearing securities, at least one and one-half times its annual interest expense, calculating net income before deduction for income taxes and depreciation and giving effect to the proposed offering and the intended use of the proceeds, for its last fiscal year. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than fifteen months from the commencement of the offering.

(e) If the offering is of stock or shares (other than preferred stock or shares), and except as otherwise required by law, the securities have voting rights at least equal to the securities of each of the issuer's outstanding classes of stock or shares (other than preferred stock or shares), with respect to (i) the number of votes per share, and (ii) the right to vote on the same general corporate decisions;

(f) If the offering is of stock or shares (other than preferred stock or shares), the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least twelve hundred persons, and on that date there are at least seven hundred fifty thousand of the shares outstanding with an aggregate market value, based on the average bid price, of at least three million seven hundred fifty thousand dollars. In determining the number of persons who are beneficial owners of the stock or shares, the issuer or a broker-dealer may rely in good faith upon written information furnished by record owners;

(g) Provided that, if the securities to be issued are listed, or approved for listing upon notice of issuance, on the New York Stock Exchange, Inc. or the American Stock Exchange, Inc., and the current original listing standards of that exchange are satisfied as of the end of the issuer's most recent fiscal year, the conditions of (c) of this subsection need be met for only five years and the annual net earnings requirements of (d)(i) of his subsection shall be two hundred fifty thousand dollars;

(h) And provided further that, if the issuer of the securities is a finance company with liquid assets of at least one hundred five percent of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus) at the end of each of its last five fiscal years, the net income requirement of (d)(ii) of this subsection, but before deduction for interest expense, shall be one and one-fourth times its annual interest expense. "Finance company" means a company engaged primarily in the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, banking or factoring. "Liquid assets" means cash receivables payable on demand or not more than twelve ((months)) years following the close of the company's last fiscal year, and readily marketable securities, in each case less applicable reserves and unearned income.

(2) For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York

stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).

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 460-42A-085 INTERNATIONAL BANKS. Any security issued or guaranteed as to both principal and interest by an international bank of which the United States is a member is exempted under RCW 21.20.310(8).

AMENDATORY SECTION (Amending Order #SD-130-77, filed 11-23-77)

WAC 460-44A-010 NONPUBLIC OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(1). Exemption is provided for sales not involving a public offering pursuant to RCW 21.20.320(1) where there is compliance with WAC 460-44A-010 through 460-44A-((040)) 041. In order to obtain the protection of the exemption, all its conditions must be satisfied. The exemption is not available to any issuer with respect to any transactions which, although in technical compliance with the rules, are a part of a plan or scheme to evade the registration provisions of the Securities Act of Washington (hereinafter the "act"). In such cases registration pursuant to the act is required. Compliance with the exemption shall not constitute, however, the exclusive means whereby an offering of securities may qualify as a nonpublic offering. Attempted compliance with this exemption does not act as an election; the issuer can also claim the availability of RCW 21.20.320(1) outside this exemption.

AMENDATORY SECTION (Amending Order #SD-130-77, filed 11-23-77)

WAC 460-44A-030 ((ADDITIONAL REQUIREMENTS)) SELLING EXPENSE LIMITATIONS AND SUITABILITY STANDARDS FOR NONPUBLIC OFFERINGS. ((+)) In addition to compliance with WAC 460-44A-020, ((there shall be compliance with the following: WAC 460-16A-075, 460-16A-085, and 460-16A-090. PROVIDED, HOWEVER, That for the purposes of this exemption the presumptions of WAC 460-16A-075, 460-16A-085, and 460-16A-090, shall be deemed to be conclusive.)) the following requirements must be met in order to qualify for the nonpublic offering exemption provided by these rules:

(1) The selling expenses for the securities offering shall not exceed fifteen percent ("selling expenses" is defined in WAC 460-16A-075).

(2) Options granted by the issuer to underwriters or other persons as compensation, in whole or in part, for the sale of securities shall not exceed ten percent of the number of shares or units of the offering.

((2)) (3) In the determination by the issuer and any person acting in its behalf that an offeree is a person who is able to bear the economic risk of the investment pursuant to WAC 460-44A-020(d), the following minimum financial suitability standards shall be presumptively reasonable:

((a)) A minimum initial cash investment of five thousand dollars; and

((b)) Except in the case of an investment exceeding one hundred fifty thousand dollars, an offeree must have a minimum annual gross income of thirty thousand dollars and a net worth of at least thirty thousand (exclusive of home, furnishings, automobiles and other tangible personal property), or in the alternative, a net worth of seventy-five thousand dollars (exclusive of home, furnishings, automobiles and other tangible personal property).

((These are minimum suitability standards; higher standards may be required depending upon the risk of the investment and the sales price of the security.))

(a) An offeree must make a minimum initial cash investment of \$5,000 and must have a minimum annual gross income of \$35,000 and a net worth of at least \$35,000 (exclusive of home, furnishings, and automobiles); or

(b) An offeree must make a minimum initial cash investment of \$5,000 and must have a net worth of \$75,000 (exclusive of home, furnishings, and automobiles); or

(c) An offeree must have a minimum net worth of \$75,000 (exclusive of home, furnishings, and automobiles) and a 46 percent marginal federal income tax rate;

(d) These are minimum suitability standards; higher standards may be required depending upon the risk of the investment, the tax features, and the sales price of the security.

NEW SECTION

WAC 460-44A-041 FORM OF NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-010 THROUGH 460-44A-041.

- (1) Name of Issuer
Address of Issuer
Phone Number of Issuer [---]
(2) Form of Organization (check one)
Corporation
Unincorporated Association
Other (specify)
(3) Type of Business (check one)
Oil/Gas
Real Estate
Gold/Silver or Mineral Extraction
Other (specify)
(4) Name (in full), address and telephone of chief executive officer (if corporation); general partner (if partnership); promoter or controlling person (if unincorporated association); or controlling person (if other):
Name
Address
Phone Number (---)

NOTE: If the general partner, promoter or controlling person is not a natural person, provide similar information for a natural person having primary responsibility for the affairs of the issuer.

(5) Issuer's state of incorporation or jurisdiction of organization and the date of such incorporation or organization.
State
Date

- (6) Title of class of securities to be sold in this offering.
(7) Total number of shares or units of securities to be sold in this offering.
(8) Aggregate dollar amount of the offering. \$
(9) Price per share or unit of securities to be sold. \$
(10) Total number of purchasers to whom securities are to be sold.
(11) Purchasers who are not included in the 35 maximum provisions of WAC 460-44A-020(g)(2)(i) (i.e., relatives, trust, purchaser over \$150,000).
Type of exclusion relied on
Number of purchasers
Minimum financial suitability standards for purchasers excluded

(12) Minimum financial suitability standards for purchasers (excluding those contained in paragraph (11)).

- Initial cash contribution
Minimum annual gross income
Minimum net worth
Tax bracket

(13) Selling expenses of offering. State maximum selling in dollar amount \$; and as a percentage of the offering %.

(14) Options to underwriters or other persons for sale of securities: % of offering.

(15) Past securities sales. Give the dates and amount of sales of securities by the issuer within the 12 months preceding the filing of this form.

Date
Amount

State basis on which securities were sold:
Exemption
Registration under Act

(16) Filing fee of three hundred dollars to accompany notification of claim of exemption pursuant to RCW 21.20.340.

The undersigned officer or person acting in a similar capacity has duly caused this notification to be filed on behalf of the issuer and has read this notification and knows the contents thereof and the statements therein to be true.

DO NOT SEND OFFERING MATERIALS OR PROSPECTUS UNLESS SPECIFICALLY REQUESTED BY THE SECURITIES DIVISION.

DATE (Issuer)

(Signature should normally be person named in paragraph (4))
TYPE NAME AND TITLE UNDER SIGNATURE.

Subscribed and sworn to before me this day of , 19--.

Notary Public in and for the state of ---residing at ---ATTENTION: Intentional misstatements or omissions of facts constitute criminal violations (see RCW 21.20.400).

NEW SECTION

WAC 460-44A-045 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-020.

- (1) Name of Issuer _____
Address of Issuer _____
- (2) Title of Class of Securities Sold in This Offering _____
- (3) Total number of shares or units sold to date in this offering _____
- (4) Sales Price Per Unit or Share \$ _____
- (5) Aggregate dollar amount of sales in Washington \$ _____
- (6) Total Number of Shares or Units to be Offered in Future _____
- (7) Total Aggregate Dollar Amount of Shares or Units to be Offered in Future \$ _____
- (8) The Names, Addresses and Total Number of Purchasers to Whom Securities Were Sold in Washington _____

The undersigned officer or person acting in a similar capacity has duly caused this report of sales to be filed on behalf of the issuer and has read this report and knows the contents thereof and the statements therein to be true.

DO NOT SEND OFFERING MATERIALS OR PROSPECTUS UNLESS SPECIFICALLY REQUESTED BY THE SECURITIES DIVISION.

DATE _____ (Issuer) _____

Signature _____
TYPE NAME AND TITLE UNDER SIGNATURE

Notary Public in and for the
State of _____ residing
at _____

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 #SD-130-77, filed 11-23-77)

WAC 460-44A-060 LIMITED OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(9). (a) Definitions. For purposes of the rule only, the following definitions shall apply.

(1) Securities of the issuer. The term "securities of the issuer" shall include all securities issued by the issuer and by any affiliate of the issuer. Securities issued by partnerships with the same or affiliated general partners and fractional undivided interests in oil or gas rights created by the same or affiliated persons shall be deemed to be included as "securities of the issuer."

(2) Affiliate. The term "affiliate" or "affiliated" with a person means a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

(3) Executive officer. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy-making functions for the issuer.

(4) Promoter. The term "promoter" includes: (i) Any person who, acting ~~((along))~~ alone or in conjunction with one or more persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer; or (ii) any person who, in connection with the founding or organizing of the business or enterprise of the issuer, directly or indirectly receives in consideration of services or property, ten percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprises.

(b) Conditions to be met. Transactions by an issuer involving the offer and sale of its securities in accordance with all the terms and conditions of this rule shall be exempt pursuant to RCW 21.20.320(9). In order to obtain the protection of the exemption, all its conditions must be satisfied. The exemption is not available to any issuer with respect to any transactions which, although in technical compliance with the rule, are a part of a plan or scheme to evade the registration provisions of the Securities Act of Washington (hereinafter the "act"). In such cases registration pursuant to the act is required.

(c) Limitation on manner of offering. The securities shall not be offered, offered for sale or sold in reliance on this rule by any means of general advertising or general solicitation.

(d) Prohibition of remuneration paid for solicitation or for sales. No commission or similar remuneration shall be paid or given directly or

indirectly for soliciting any prospective buyer or in connection with sales of the securities in reliance on this rule.

(e) Limitation on aggregate sales price. The aggregate sales price of all sales of securities of the issuer as defined in subparagraph (a)(1) in reliance on this rule or otherwise without registration within the twelve months preceding the point in time immediately after the last such sale shall not exceed one hundred thousand dollars. For purposes of computing the dollar amount of securities sold, the following shall be excluded:

(1) The following securities if sold in reliance on an exemption from registration other than this rule:

- (i) Nonconvertible notes or similar evidences of indebtedness
 - (1) representing a purchase money mortgage or
 - (2) issued to a bank, savings institution, trust company, insurance company, investment company registered under the Investment Company Act of 1940, small business investment company or minority enterprise small business investment company licensed by the United States small business administration, or pension or profit sharing trust; or
- (ii) Securities sold to any promoter, director or executive officer.

(f) Limitation on number of beneficial owners. Both immediately before and immediately after any transaction in reliance on this rule, the issuer shall, after reasonable inquiry, have reasonable grounds to believe, and shall believe, that the securities of the issuer as defined in subparagraph (a)(1) are beneficially owned by one hundred or fewer persons. For purposes of these provisions and subparagraph (g):

(1) The following shall be deemed the same and not a separate beneficial owner or purchaser:

- (i) Any relative or spouse of a beneficial owner and any relative of such spouse, who has the same home as such beneficial owner;
- (ii) Any trust or estate in which a beneficial owner or any of the persons related to him as specified in subparagraphs (f)(1)(i) or (iii) collectively have one hundred percent of the beneficial interest (excluding contingent interests); and
- (iii) Any corporation or other organization of which a beneficial owner or any of the persons related to him as specified in subparagraphs (f)(1)(i) or (ii) collectively are the beneficial owners of all of the equity securities (excluding directors' qualifying shares) or equity interests;

(2) There shall be counted as one beneficial owner any corporation or other organization, except that if such entity was organized for the specific purpose of acquiring the securities offered, each beneficial owner of equity interest or equity securities in such entity shall count as a separate beneficial owner; and

(3) There shall be excluded from the computation any owner of only a purchase money mortgage and any bank, savings institution, trust company, insurance company, investment company registered under the Investment Company Act of 1940, small business investment company or minority enterprise small business investment company licensed by the United States small business administration, or pension or profit sharing trust which purchases or holds only nonconvertible notes or similar evidences of indebtedness of the issuer.

(g) Limitation on number of purchasers. In all sales of securities of the issuer in reliance on this rule, ~~((The))~~ the number of purchasers in this state in any consecutive twelve month period may not exceed ten. For the purposes of computing the number of purchasers, purchasers of securities are excluded in accordance with ~~((m))~~ subparagraph (e) and (f) ~~((are excluded))~~ above.

(h) Limitation on resale. In determining the availability of an exemption from registration for resale of securities acquired in a transaction effected in reliance on this rule, such securities cannot be resold without registration or exemption therefrom. The issuer shall exercise reasonable care to assure that the purchasers of the securities are not underwriters, which reasonable care shall include, but not necessarily be limited to:

- (1) Making reasonable inquiry to determine if the purchaser is acquiring the securities for his own account or on behalf of other persons;
- (2) Informing the purchaser of the restrictions on resale; and
- (3) Placing a legend on the certificate or other document evidencing the securities stating that the administrator of securities has not reviewed the offering or offering circular and the securities have not been registered under the Act and setting forth or referring to the restrictions on transferability and sale of the securities.

(i) Filing of notification of claim of exemption and report of sales. The issuer shall file notification of claim of exemption which will become effective ten full business days from the date of filing notification if the same is not disallowed by the administrator within such time or

at such earlier date as the administrator determines, and report of sales within thirty days after termination of any offering effected in reliance on this rule and, for any offering which continues for a period greater than one year, within thirty days after each anniversary date of the first sale of securities in any such offering for so long as such offering continues, in the form set forth ((below)) in WAC 460-44A-065. In the event of late filing of a report of sales, the administrator may, upon application of the issuer, for good cause excuse such late filing if he finds it in the public interest to grant such relief.

~~((..... NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-060~~

~~((..... REPORT OF SALES MADE IN RELIANCE UPON WAC 460-44A-060~~

~~((Check one)~~

~~((1) ORGANIZATIONAL INFORMATION:~~

~~((a) Name, address and telephone number (including area code) of the issuer or the securities offered and sold;~~

~~((b) Form of organization (check one)~~

~~((..... Corporation Partnership~~

~~((..... Unincorporated Association~~

~~((..... Other (Specify)~~

~~((c) Type of business (check one)~~

~~((..... Oil/Gas Real Estate~~

~~((..... Other (Specify)~~

~~((d) Name (in full), address and telephone number of chief executive officer (if corporation), general partner (if partnership), promoter or controlling person (if unincorporated association), or controlling person (if other);~~

~~((Instruction: If the general partner, promoter or controlling person is not a natural person, provide similar information for a natural person having primary responsibility for the affairs of the issuer.~~

~~((e) Issuer's state of incorporation or jurisdiction of organization and the date of such incorporation or organization.~~

~~((2) NOTIFICATION OF CLAIM OF EXEMPTION:~~

~~((a) Title of the class of securities to be sold in this offering in reliance upon WAC 460-44A-060.~~

~~((b) Total number of shares or units of securities to be sold in this offering and the aggregate dollar amount of the offering.~~

~~((c) Price per share or per unit of securities to be sold.~~

~~((d) Total number of shares or units to be sold in Washington state. (Total number of purchasers in Washington state may not exceed ten.)~~

~~((e) Filing fee of fifty dollars to accompany notification of claim of exemption pursuant to RCW 21.20.340.~~

~~((f) Give the date of sale and the amount of all securities of the same or similar class as those of the offering reported on this form sold by the issuer during the twelve month period immediately preceding such offering. If the securities were not registered, indicate the section of the Washington Securities Act or the rule under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available. If the securities were registered, indicate the file number assigned to the registration statement.~~

~~((g) Include a sample copy of a statement to be signed by each purchaser in Washington stating that the purchaser is acquiring the securities for investment and for his own account or on behalf of the accounts of others, and not with a foreseeable distribution of such securities and informing purchasers of the legend and restrictions on resale.~~

~~((3) REPORT OF SALES:~~

~~((a) Title of the class of securities sold in this offering.~~

~~((b) Total number of shares or units sold in Washington state to date in this offering, sales price, and the aggregate dollar amount of such sales.~~

~~((c) Total number of shares or units to be offered in the future in this offering and the aggregate dollar amount of such securities.~~

~~((d) The names, addresses and total number of purchasers to whom securities were sold in Washington state in the offering.~~

~~((Pursuant to the requirements of WAC 460-44A-060 under RCW 21.20.320(9), the undersigned officer or person acting in a similar capacity has duly caused this notification or report to be filed on behalf of the issuer and has read the notification or report and knows the contents thereof and the statements therein to be true. ((DATE (Issuer)~~

~~((..... ((Signature of Issuer's Representative)~~

~~((Subscribed and sworn to before me this day of 19...~~

~~((..... Notary Public in and for the state of residing at~~

~~((Instruction: Type the name and title of the signing representative under his signature.~~

~~((Attention: Intentional misstatements or omissions of facts constitute criminal violations. (See RCW 21.20.400))~~

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 460-44A-065 NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-060.

(1) Name of Issuer _____
Address of Issuer _____
Phone Number of Issuer (____) _____

(2) Form of Organization (check)
____ Corporation ____ Limited Partnership
____ Unincorporated Association
____ Other (specify) _____

(3) Type of Business (check)
____ Oil/Gas ____ Real Estate
____ Gold/Silver or Mineral Extraction
____ Other (specify) _____

(4) Name (in full), address and telephone of chief executive officer (if corporation); general partner (if partnership); promoter or controlling person (if unincorporated association); or controlling person (if other):
Name _____ Position _____
Address _____
Phone Number (____) _____

NOTE: If the general partner, promoter or controlling person is not a natural person, provide similar information for a natural person having primary responsibility for the affairs of the issuer.

(5) Issuer's state of incorporation or jurisdiction of organization and the date of such incorporation or organization.
State: _____ Date: _____

(6) Title of class of securities to be sold in this offering. _____

(7) Total number of shares or units of securities to be sold in this offering. _____

(8) Aggregate dollar amount of the offering. \$ _____

(9) Price per share or unit of securities to be sold. \$ _____

(10) Total number of purchasers to whom securities are to be sold. _____

(11) Past securities sales. Give the dates and amount of sales of securities by the issuer within the 12 months preceding the filing of this form.
Date: _____ Amounts _____

State basis on which securities were sold:
Exemption _____ Registration under Act _____

(12) Filing fee of fifty dollars to accompany notification of claim of exemption pursuant to RCW 21.20.340(11).

The undersigned officer or person acting in a similar capacity has duly caused this notification to be filed on behalf of the issuer and has read this notification and knows the contents thereof and the statements therein to be true.

DO NOT SEND OFFERING MATERIALS OR PROSPECTUS UNLESS SPECIFICALLY REQUESTED BY THE SECURITIES DIVISION.
DATE: _____ Issuer _____

Signature (should normally be person named in paragraph 4)
TYPE NAME AND TITLE UNDER SIGNATURE

Notary Public in and for the State of _____ residing at _____

WSR 80-02-099 PROPOSED RULES DEPARTMENT OF LICENSING (Securities Division) [Filed January 23, 1980]

NEW SECTION

WAC 460-44A-070 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-060.

- (1) Name of Issuer Address of Issuer (2) Title of class of securities sold in this offering. (3) Total number of shares or units sold to date in this offering. (4) Sales price per unit or share. \$ (5) Aggregate dollar amount of sales in Washington. \$ (6) Total number of shares or units to be offered in future. (7) Total aggregate dollar amount of shares or units to be offered in future. \$ (8) The names, addresses and total number of purchasers to whom securities were sold in Washington.

The undersigned officer or person acting in a similar capacity has duly caused this report of sales to be filed on behalf of the issuer and has read this report and knows the contents thereof and the statements therein to be true. DO NOT SEND OFFERING MATERIALS OR PROSPECTUS UNLESS SPECIFICALLY REQUESTED BY THE SECURITIES DIVISION. DATE _____ Issuer _____

Signature TYPE NAME AND TITLE UNDER SIGNATURE

Notary Public in and for the State of _____ residing at _____

NEW SECTION

WAC 460-44A-075 DEFINITION OF REAL ESTATE MORTGAGES WHEN "OFFERED AND SOLD AS A UNIT". A bond or other evidence of indebtedness secured by a mortgage, deed of trust or agreement of sale, is not "offered and sold as a unit" within the meaning of section RCW 21.20.320(5), if it is part of an offering including other bonds or evidences of indebtedness secured by interests in real or personal property owned or developed by the same person or by persons affiliated by reason of direct or indirect control; or if it is offered or sold with any right of recourse or substitution against or any guaranty by the offeror or any person other than the debtor.

REPEALER

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

- (1) WAC 460-44A-040 FORM OF NOTIFICATION OF CLAIM OF EXEMPTION AND REPORT OF SALES.

AMENDATORY SECTION (Amending Order # SD-57-79, filed 8/14/79)

WAC 460-60A-015 FEDERAL INTERSTATE OFFERINGS BY COORDINATION. Financial statements meeting the requirements of the United States Securities and Exchange Commission and filed with the Washington Securities Division pursuant to the provisions of RCW 21.20.180 will be deemed to have met the financial disclosure requirements of the Division: PROVIDED, That if the aggregate sales price of the offering exceeds \$500,000.00, ((aH)) annual financial statements shall be audited and certified by an independent certified public accountant.

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 19.100.260, that the Department of Licensing, Securities Division intends to adopt, amend, or repeal rules concerning the regulation of franchises, (copy of the proposed rules is shown below, however, changes may be made at the public hearing);

that such agency will at 10 a.m., Friday, March 14, 1980, in the Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Monday, March 17, 1980, in the Securities Division, 3rd Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is WAC 460-80-105 is promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has the authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-110 is promulgated pursuant to RCW 19.100.040(12) and 19.100.070(2) and is intended to administratively implement those statutes. WAC 460-80-110 is also promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has the authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-120 is repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has the authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-125 is promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has the authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-140 is promulgated pursuant to RCW 19.100.040(7) and is intended to administratively implement that statute. WAC 460-80-140 is also promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-150 is repealed pursuant to RCW 19.100.040(20) and is intended to administratively implement that statute. WAC 460-80-150 is also repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-170 is repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-180 is repealed pursuant to RCW 19.100.160 and is intended to administratively implement that statute. WAC 460-80-200 is repealed pursuant to RCW 19.100.070(2) and is intended to administratively implement that statute. WAC 460-80-180 and 460-80-200 are repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-210 is repealed pursuant to RCW 19.100.070(2)

and is intended to administratively implement that statute. WAC 460-80-210 is also repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-220 is repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-300 and 460-80-315 are promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-315 is also promulgated pursuant to RCW 19.100.040(4), (7) and (20) and is intended to administratively implement that statute. WAC 460-80-320 is repealed pursuant to RCW 19.100.040(4), (7) and (20) and 19.100.070(2) and is intended to administratively implement those statutes. WAC 460-80-320 and 460-80-330 are repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-900 is repealed pursuant to RCW 19.100.070(2) and is intended to administratively implement that statute. WAC 460-80-900 is also repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-905 is adopted pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-910 is repealed pursuant to RCW 19.100.160 and is intended to administratively implement that statute. WAC 460-80-910 is also repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-915 is promulgated pursuant to RCW 19.100.160 and is intended to administratively implement that statute. WAC 460-80-915 is also promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-925 is promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-935 is promulgated pursuant to RCW 19.100.040(20) and is intended to administratively implement that statute. WAC 460-80-945 is promulgated pursuant to RCW 19.100.040(7) and is intended to administratively implement that statute. WAC 460-80-945 is also promulgated pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW. WAC 460-80-130 is repealed pursuant to RCW 19.100.040(4), (7) and (20) and 19.100.070(2) and is intended to administratively implement those statutes. WAC 460-80-130 is also repealed pursuant to RCW 19.100.250 which directs that the Department of Licensing has authority to implement the provisions of chapter 19.100 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1980, and/or orally at 10

a.m., Friday, March 14, 1980, Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: January 23, 1980
By: W. Howard Fischer
Assistant Attorney General

NEW SECTION

WAC 460-80-105 "IN THIS STATE" DEFINED. (1) An offer or sale of a franchise is made in this state when an offer to sell is made in this state, or an offer to buy is accepted in this state, or, if the franchisee is domiciled in this state, the franchised business is or will be operated in this state.

(2) An offer to sell is made in this state when the offer either originates from this state or is directed by the offeror to this state and received at the place to which it is directed. An offer to sell is accepted in this state when acceptance is communicated to the offeror in this state; and acceptance is communicated to the offeror in this state when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed.

(3) An offer to sell is not made in this state merely because (a) the publisher circulates or there is circulated on his behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which has had more than two-thirds of its circulation outside this state during the past twelve months, or (b) a radio or television program originating outside this state is received in this state.

AMENDATORY SECTION (Amending Order #11, filed 3-3-72)

WAC 460-80-110 FRANCHISE REGISTRATION APPLICATION. All ((applicants)) applications for registration, renewal or amendment of a franchise shall have as the first page thereof a facing page in the form set forth in WAC 460-80-((900)) 905 and containing the information specified therein. The application for registration, renewal or amendment must be accompanied by the fee prescribed in RCW 19.100.240 made payable by check to the treasurer of the state of Washington.

NEW SECTION

WAC 460-80-125 FRANCHISE REGISTRATION APPLICATION INSTRUCTIONS. The following must be adhered to with respect to all applications for registration, registration renewal or registration amendment:

(1) Completion of Application. An application for registration of the offer or sale of franchises shall include the following, all of which shall be verified by means of the prescribed signature page:

- (a) Facing page;
- (b) Supplemental information page(s);
- (c) Salesperson registration application in the form prescribed by WAC 460-82-100;
- (d) A copy of the proposed offering circular.

(2) The following shall be attached to the application:

- (a) A second copy of the proposed offering circular;
- (b) A cross-reference sheet showing the location in the franchise agreement of the information required to be included in the application and in the offering circular. If any item calling for information is inapplicable or the answer thereto is in the negative and is omitted, a statement to that effect shall be made in the cross-reference sheet;
- (c) A consent to service of process in the form prescribed by WAC 460-80-915.

(3) Definitions:

(a) "Predecessor", for the purposes of the disclosure required by item 1 in the body of the offering circular, is defined as follows: A "predecessor" of a franchisor is (i) a person the major portion of whose assets have been acquired directly or indirectly by the franchisor, or (ii) a person from whom the franchisor acquired directly or indirectly the major portion of its assets;

(b) "Franchise broker", for the purposes of the disclosure required by the cover page and item 2 in the body of the offering circular, is defined as follows: A "franchise broker" is any person engaged in the business of representing a franchisor or subfranchisor in offering for sale or selling a franchise, except anyone whose identity and business experience is otherwise required to be disclosed at item 2 in the body of the offering circular.

(4) Disclosure: Each disclosure item should be either positively or negatively commented upon by use of a statement which fully incorporates the information required by the item.

(5) Subfranchisors: When the person filing the application for registration is a subfranchisor, the application shall also include the same information concerning the subfranchisor as is required from the franchisor; the franchisor, as well as the subfranchisor, shall execute a signature page.

(6) Signing of Application: The application shall be signed by an officer or general partner of the applicant; however, it may be signed by another person holding a power of attorney for such purposes from the applicant. If signed on behalf of the applicant pursuant to such power of attorney, the application shall include as an additional exhibit a copy of said power of attorney or a copy of the corporate resolution authorizing the attorney to act.

(7) Manually Signed Consent of Accountant: All applications shall be accompanied by a manually signed consent of the independent public accountant for the use of their audited financial statements as such statements appear in the offering circular.

(8) Application to Amend the Registration: An amendment to an application filed either before or after the effective date of registration shall contain only the information being amended identified by item number and shall be verified by means of the prescribed signature page. Each amendment shall be accompanied by a facing page in the form prescribed on which the applicant shall indicate that the filing is an amendment and the number of the amendment, if more than one.

(9) Underscoring of Changes: If the registration renewal statement or any amendment to an application for registration alters the text of the offering circular, or of any item, or other document previously filed as a part of the application for registration, the changes in such text shall be indicated by means of underscoring or in some other appropriate manner.

AMENDATORY SECTION (Amending Order #11, filed 3-3-72)

WAC 460-80-140 FINANCIAL STATEMENTS. (a) Financial statements required to be filed in connection with an application for registration or renewal of an offer or sale of a franchise shall be prepared in accordance with generally accepted accounting principles as set forth in rules as adopted pursuant to chapter 460-60A WAC etc. Such financial statements should be audited by a Certified Public Accountant having the same qualifications and restrictions as those set forth in WAC 460-60A-100, except where the particular form or this section permits the use of unaudited statements for interim periods ((or generally)).

~~((b) The financial statements required to be filed by a franchisor refer to a balance sheet as of a date within 90 days prior to the date of the application, and profit and loss statements for each of the three fiscal years preceding the date of the balance sheet and for the period, if any, between the close of the last of such fiscal years and the date of the balance sheet. The balance sheet as of a date within 90 days prior to the date of the application need not be audited. However, if this balance sheet is not audited, there shall be filed in addition an audited balance sheet as of the end of the franchisor's last fiscal year unless such last fiscal year ended within 90 days of the date of the application in which case there shall be filed an audited balance sheet as of the end of the franchisor's next preceding fiscal year. The profit and loss statements shall be audited up to the date of the last audited balance sheet filed, if any.~~

~~((c) Where a franchisor owns directly or indirectly more than 50% of the outstanding voting securities of any other corporation, the financial statements required to be filed should normally reflect on a consolidated basis the financial condition of the franchisor and each of its subsidiaries.~~

~~((d))~~ (b) In extraordinary cases the director may waive the requirement for audited statements if the statements have been prepared by an independent certified public accountant or independent public accountant and the director is otherwise satisfied as to the reliability of such statements and as to the ability of the franchisor to perform future commitments. Such waiver will ordinarily be granted only upon a showing that the franchisor has not had prior audited statements; that the close of the most recent or current fiscal year is so near the time of filing of the application that it would be unreasonably costly or impractical to provide audited statements with the application; and that audited statements will be furnished within a reasonable time after the end of the most recent or current fiscal year. In such cases the director may impose an impound condition and such other conditions and restrictions as in his discretion may be appropriate.

~~((e))~~ (c) The use of unaudited financial statements as provided ((herein)) in these rules does not relieve the applicant or any person from any liability for false and misleading statements contained in such financial statements.

AMENDATORY SECTION (Amending Order #11, filed 3-3-72)

WAC 460-80-300 RECEIPT OF OFFERING CIRCULAR. Each purchaser of a franchise shall sign a receipt in the following form that he has received the offering circular and that he received the same at least 48 hours before signing the receipt and completing the sale.

ACKNOWLEDGEMENT OF RECEIPT OF OFFERING CIRCULAR BY PROSPECTIVE FRANCHISEE FROM (NAME OF FRANCHISOR)

The undersigned, personally and/or as an officer or partner of the proposed franchisee, does hereby acknowledge receipt of "The Franchise Offering Circular For Prospective Franchisees Required By The State Of Washington" including all exhibits attached thereto, to-wit: (List exhibits to be attached, including, but not limited to, financial statements, franchise agreement, lease agreements, etc.). I acknowledge that I received the offering circular at least 48 hours prior to signing this receipt and completing the sale.

Dated: _____

individually and as an officer
or partner of _____
a (_____) corporation
(_____) partnership

Subscribed and sworn to before me this ____ day
of _____, 19__.

Notary Public in and for the
State of _____ residing
at _____

NEW SECTION

WAC 460-80-315 CONTENT AND FORM OF OFFERING CIRCULAR. The information required to be set forth in the offering circular shall be presented in the following sequence:

COVER PAGE. The outside front cover of the offering circular shall contain the following information:

The title in boldface type: FRANCHISE OFFERING CIRCULAR FOR PROSPECTIVE FRANCHISEES REQUIRED BY THE STATE OF WASHINGTON.

The name, type of business organization, principal business address and telephone number of the franchisor.

If different than above, the name, principal business address and telephone number of the subfranchisor or franchise broker offering in this state the herein described franchise.

A sample of the primary business trademark, logotype, trade name or commercial label or symbol used by the franchisor for marketing its products or services and under which the franchisee will conduct its business. (Place in upper left-hand corner of the cover page.)

A brief description of the franchise to be offered.

A summary of items (5) and (7) of the offering circular, to-wit: Franchisee's initial franchise fee or other payment and franchisee's initial investment, respectively.

Effective date: (Leave blank until notified of effectiveness by Securities Division.)

The following statement in boldface type:
THIS OFFERING CIRCULAR IS PROVIDED FOR YOUR OWN PROTECTION AND CONTAINS A SUMMARY ONLY OF CERTAIN MATERIAL PROVISIONS OF THE FRANCHISE AGREEMENT. THIS OFFERING CIRCULAR AND ALL CONTRACTS AND AGREEMENTS SHOULD BE READ CAREFULLY IN THEIR ENTIRETY FOR AN UNDERSTANDING OF ALL RIGHTS AND OBLIGATIONS OF BOTH THE FRANCHISOR AND THE FRANCHISEE.

A FEDERAL TRADE COMMISSION RULE MAKES IT UNLAWFUL TO OFFER OR SELL ANY FRANCHISE WITHOUT FIRST PROVIDING THIS OFFERING CIRCULAR TO THE PROSPECTIVE FRANCHISEE AT THE EARLIER OF (1) THE FIRST PERSONAL MEETING, OR (2) TEN BUSINESS DAYS BEFORE ANY PAYMENT. THE PROSPECTIVE FRANCHISEE MUST ALSO RECEIVE A FRANCHISE AGREEMENT CONTAINING ALL MATERIAL TERMS AT LEAST FIVE DAYS

PRIOR TO THE SIGNING OF THE FRANCHISE AGREEMENT.

IF THIS OFFERING CIRCULAR IS NOT DELIVERED ON TIME, OR IF IT CONTAINS A FALSE, INCOMPLETE, INACCURATE OR MISLEADING STATEMENT, A VIOLATION OF FEDERAL AND STATE LAW MAY HAVE OCCURRED AND SHOULD BE REPORTED TO THE FEDERAL TRADE COMMISSION, WASHINGTON, D.C. 20580 AND WASHINGTON STATE DEPARTMENT OF LICENSING, SECURITIES DIVISION, P. O. BOX 648, OLYMPIA, WASHINGTON 98504.

The name and address of the franchisor's registered agent in this state authorized to receive service of process.

The name and address of the subfranchisor's or franchise broker's registered agent in this state authorized to receive service of process.

TABLE OF CONTENTS: Include a table of contents based on the requirements of this offering circular.

BODY OF OFFERING CIRCULAR: The offering circular shall contain the following information clearly and concisely stated in narrative form:

(1) The franchisor and any predecessors: Set forth in summary form: (The disclosure regarding predecessors need only cover the 15 year period immediately preceding the close of franchisor's most recent fiscal year.)

(a) The name of the franchisor and any predecessors thereto.

(b) The name under which the franchisor is currently doing or intends to do business.

(c) The franchisor's principal business address and the business address or addresses of any predecessors thereto.

(d) The business form of the franchisor whether corporate, partnership or otherwise.

(e) A description of the franchisor's business and the franchises to be offered in this state.

(f) The prior business experience of the franchisor and any predecessors thereto including:

(i) The length of time the franchisor has conducted a business of the type to be operated by the franchisee;

(ii) The length of time each predecessor conducted a business of the type to be operated by the franchisee;

(iii) The length of time the franchisor has offered franchises for such business;

(iv) The length of time each predecessor offered franchises for such business;

(v) Whether the franchisor has offered franchises in other lines of business, including:

(A) a description of such other lines of business;

(B) the number of franchises sold in each other line of business;

(C) The length of time the franchisor has offered each such franchise; and

(vi) Whether each predecessor offered franchises in other lines of business, including:

(A) a description of such other lines of business;

(B) the number of franchises sold in each other line of business; and

(C) the length of time each predecessor offered each such franchise.

(2) Identity and business experience of persons affiliated with the franchisor; franchise brokers: List by name and position held the directors, trustees and/or general partners, as the case may be, the principal officers (including the chief executive and chief operating officer, financial, franchise marketing, training and service officers) and other executives or subfranchisors who will have management responsibility in connection with the operation of the franchisor's business relating to the franchises offered by this offering circular and all franchise brokers. With regard to each person listed, state his principal occupations and employers during the past five years.

(3) Litigation: State whether the franchisor, any person or franchise broker identified in (2) above:

(a) Has any administrative, criminal or material civil action (or a significant number of civil actions irrespective of materiality) pending against him alleging a violation of any franchise law, fraud, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices, misappropriation of property or comparable allegations. If so, set forth the name of the person, the court or other forum, nature, and current status of any such pending action. Franchisor may include a summary opinion of counsel as to any such action, but only if a consent to use of such summary opinion is included as part of this offering circular.

(b) Has during the 10 year period immediately preceding the date of the offering circular been convicted of a felony or plead nolo contendere to a felony charge or been held liable in a civil action by final judgment or been the subject of a material complaint or other legal proceeding if such felony, civil action, complaint or other legal proceeding involved violation of any franchise law, fraud, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices, misappropriation of property or comparable allegations. If so, set forth the name of the person convicted, the court and date of conviction or person against whom judgment was entered, penalty or damages assessed in connection therewith and/or terms of settlement.

(c) Is subject to any currently effective injunctive or restrictive order or decree relating to the franchise or under any federal, state or Canadian franchise, securities, antitrust, trade regulation or trade practice law as a result of a concluded or pending action or proceeding brought by a public agency. If so, set forth the name of the person so subject, the public agency and court, a summary of the allegations or facts found by the agency or court and the date, nature, terms and conditions of the order or decree.

(4) Bankruptcy: State whether the franchisor or any predecessor, officer or general partner of the franchisor has during the 15 year period immediately preceding the date of the offering circular been adjudged bankrupt or reorganized due to insolvency or was a principal officer of any company or a general partner in any partnership that was adjudged bankrupt or reorganized due to insolvency during or within one year after the period that such officer or general partner of the franchisor held such position in such company or partnership, or whether any such bankruptcy or reorganization proceeding has been commenced. If so, set forth the name of the person or company adjudged bankrupt or reorganized or named in any such proceeding and the date thereof and any material facts or circumstances.

(5) Franchisee's initial franchise fee or other initial payment: Describe in detail the following:

(a) The initial franchise fee or other initial payment for the franchise, if any, charged upon the signing of the franchise agreement, and whether payable in lump sum or installments. Set forth the manner in which the franchisor will use or apply such franchise fee or initial payment. State whether such fee or payment is refundable, and if so, under what conditions.

(b) If an identical initial franchise fee or other initial payment is not charged in connection with each franchise agreement, state the method or formula by which such fee or payment is determined.

(6) Other fees: Describe in detail other recurring or isolated fees or payments, including but not limited to royalties, service fees, training fees, lease payments and advertising fees and charges that the franchisee is required to pay to the franchisor or persons affiliated with the franchisor or which the franchisor or such affiliated person imposes or collects in whole or in part on behalf of a third party. Include, if applicable, the formula used to compute such other fees and payments. State whether any such fee or payment is refundable, and if so, under what conditions.

(7) Franchisee's initial investment: Describe in detail the following expenditures (which may be estimated or described by a low-high range, if not known exactly), stating for each to whom the payments are to be made, when such payments are to be determined, whether any payment is refundable, and if so, under what conditions and, if any part of the franchisee's initial investment in the franchise will or may be financed, an estimate of the loan repayments, including interest:

(i) Real property, whether or not financed by contract, installment, purchase or lease. If neither estimate nor describable by a low-high range, describe the variable requirements, such as property, location and building size which make the real property expenditure neither estimable nor describable by a low-high range.

(ii) Equipment, fixtures, other fixed assets, construction, remodeling, leasehold improvements and decorating costs, whether or not financed by contract, installment purchases, lease or otherwise.

(iii) Inventory required to commence operations.

(iv) Security deposits, other prepaid expenses and working capital required to commence operation.

(v) Any other payments which the franchisee will be required to make in order to commence operations.

NOTE: The following statement shall be inserted in the offering circular at this point:

THERE ARE NO OTHER DIRECT OR INDIRECT PAYMENTS IN CONJUNCTION WITH THE PURCHASE OF THE FRANCHISE.

(8) Obligations of franchisee to purchase or lease from designated sources: State any obligations of the franchisee or subfranchisor, whether arising by terms of the franchise agreement or other device or practice, to purchase or lease from the franchisor or his designees, goods, services, supplies, fixtures, equipment, inventory or real estate relating to the establishment or operation of the franchise business. Regarding such obligations, state the following:

(a) The goods, services, supplies, fixtures, equipment, inventory or real estate required to be purchased or leased from the franchisor or his designees.

(b) Whether, and if so, the precise basis by which, the franchisor, its parent or persons affiliated with the franchisor will or may derive income based on or as a result of any such required purchases or leases.

(c) To the extent known or estimable by the franchisor, the magnitude of such required purchases and leases in relation to all purchases and leases by the franchisee of goods and services which the franchisee will make or enter into (1) in the establishment and (2) in the operation of the franchise business.

(9) Obligations of franchisee to purchase or lease in accordance with specifications or from approved suppliers: State any obligations of the franchisee or subfranchisor, whether arising by terms of the franchise agreement or other device or practice, to purchase or lease in accordance with specifications issued by the franchisor, or from suppliers approved by the franchisor, goods, services, supplies, fixtures, equipment, inventory or real estate relating to the establishment or operation of the franchise business. Regarding such obligations, state the following:

(a) The goods, services, supplies, fixtures, equipment, inventory or real estate required to be purchased or leased in accordance with specifications or from suppliers approved by the franchisor.

(b) The manner in which the franchisor issues and modifies specifications or grants and revokes approval to suppliers.

(c) Whether, and for what categories of goods and services, the franchisor or persons affiliated with the franchisor are approved suppliers or the only approved suppliers.

(d) Whether, and if so, the precise basis by which, the franchisor, its parent or persons affiliated with the franchisor may derive income from it or from other approved suppliers, if this is the case.

(10) Financing arrangements: State the terms and conditions of any financing arrangements offered directly or indirectly by the franchisor, its agent or affiliated company, including:

(a) A description of any waiver of defenses or similar provisions in any note, contract or other instrument to be executed by the franchisee or subfranchisor.

(b) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party, in whole or in part, any note, contract or other instrument executed by the franchisee or subfranchisor.

(c) A description of any payments received by the franchisor from any person for the placement of financing with such person.

(11) Obligations of the franchisor; other supervision, assistance or services: Where applicable, describe the following:

(a) The obligations to be met by the franchisor prior to the opening of the franchise business, citing by section and page the provisions of the franchise or related agreement requiring performance.

(b) Other supervision, assistance or services to be provided by the franchisor prior to the opening of the franchise business although franchisor is not bound by the franchise or any related agreement to provide the same. As part of this disclosure franchisor must disclose that he is not so bound.

(c) The obligations to be met by the franchisor during the operation of the franchise business, including, without limitation, the assistance to the franchisee in the operation of his business. Cite by section and page the provisions of the franchise or related agreement requiring performance.

(d) Other supervision, assistance or services to be provided by the franchisor during the operation of the franchise business although franchisor is not bound by the franchise or any related agreement to provide the same. As part of this disclosure franchisor must disclose that he is not so bound.

(e) The methods used by the franchisor to select the location for the franchisee's business.

(f) The typical length of time between the signing of the franchise agreement or the first payment of any consideration for the franchise and the opening of the franchisee's business.

(g) The training program of the franchisor, including:

(i) The location, duration and content of the training program;

(ii) When the training program is to be conducted;

(iii) The experience that the instructors have had with the franchisor;

(iv) Any charges to be made to the franchisee and the extent to which the franchisee will be responsible for travel and living expenses of the person(s) who enroll in the training program;

(v) If the training program is not mandatory, the percentage of new franchisees that enrolled in the training program during the 12 months immediately preceding the date of the offering circular; and

(vi) Whether any additional training programs and/or refresher courses are available to the franchisee and whether the franchisee will be required to attend the same.

(12) Exclusive area or territory: Describe any exclusive area or territory granted the franchisee and with respect to such area or territory state whether:

(a) The franchisor has established or may establish another franchisee who will also be permitted to sue the franchisor's trade name or trademark.

(b) The franchisor has established or may establish a company-owned outlet using the franchisor's trade name or trademark.

(c) The franchisor or its parent or affiliate has established or may establish other franchisees or company-owned outlets selling or leasing similar products or services under a different trade name or trademark.

(d) Continuation of the franchisee's areal or territorial exclusivity is dependent upon achievement of a certain sales volume, market penetration or other contingency and under what circumstances the franchisee's area or territory may be altered.

(13) Trademarks, service marks, trade names, logotypes, and commercial symbols: Describe any trademarks, service marks, trade names, logotypes or other commercial symbols to be licensed to the franchisee including the following:

(a) Whether the trademark, service mark, trade name, logotype or other commercial symbol is registered with the United States Patent Office and, if so, for each such registration state the registration date and number and whether or not the registration is on the principal or supplemental register.

(b) Whether the trademark, service mark, trade name, logotype and other commercial symbol are registered in this state or the state in which the franchise business is to be located and the dates of such registrations.

(c) A description of any presently effective determinations of the Patent Office, the trademark administrator of this state or any court, any pending interference, opposition or cancellation proceeding and any pending material litigation involving such trademarks, service marks, trade names, logotypes or other commercial symbols and which is relevant to their use in this state or the state in which the franchise business is to be located.

(d) A description of any agreements currently in effect which significantly limit the rights of the franchisor to use or license the use of such trademarks, service marks, trade names, logotypes or other commercial symbols in any manner material to the franchisee.

(e) Whether the franchisor is obligated by the franchise agreement or otherwise to protect any or all rights which the franchisee has to use such trademarks, service marks, trade names, logotypes or other commercial symbols and to protect the franchisee against claims of infringement or unfair competition with respect to the same.

(f) Whether there are any infringing uses actually known to the franchisor which could materially affect the franchisee's use of such trademarks, service marks, trade names, logotypes or other commercial symbols in this state or state in which the franchise business is to be located.

(14) Patents and copyrights: If the franchisor owns any rights in or to any patents or copyrights which are material to the franchise, describe such patents and copyrights, their relationship to the franchise and the terms and conditions under which the franchisee may use them, including their duration, whether the franchisor can and intends to renew any copyrights, and, to the extent relevant, the information required by Section 15 above with respect to such patents and copyrights.

(15) Obligation of the franchisee to participate in the actual operation of the franchise business: State fully the obligation of the franchisee or the subfranchisor, whether arising by terms of the franchise agreement or other device or practice, to participate personally in the direct operation of the franchise business or whether the franchisor recommends participation in the same.

(16) Restrictions on goods and services offered by franchisee: State any restriction or condition imposed by the franchisor, whether by terms of the franchise agreement or by other device or practice of the

franchisor, whereby the franchisee is restricted as to the goods or services he may offer for sale, or limited in the customers to whom he may sell such goods or services.

(17) Renewal, termination, repurchase, modification and assignment of the franchise agreement and related information: With respect to the franchise and any related agreements state the following:

(a) The term and whether such term is affected by any agreement (including leases or subleases) other than the one from which such term arises.

(b) The conditions under which the franchisee may renew or extend.

(c) The conditions under which the franchisee may refuse to renew or extend.

(d) The conditions under which the franchisee may terminate.

(e) The conditions under which the franchisor may terminate.

(f) The obligations (including lease or sublease obligations) of the franchisee after termination of the franchise by the franchisor and the obligations of the franchisor (including lease or sublease obligations) after termination of the franchise by the franchisee or the expiration of the franchise.

(g) The franchisee's interest upon termination or refusal to renew or extend the franchise by the franchisor or by the franchisee.

(h) The conditions under which the franchisor may repurchase, whether by right of first refusal or at the opinion of the franchisor. If the franchisor has the option to repurchase the franchise, state whether there will be an independent appraisal of the franchise, whether the repurchase price will be determined by a predetermined formula and whether there will be a recognition of goodwill or other intangibles associated therewith in the repurchase price to be given the franchisee.

(i) The conditions under which the franchisee or its owners may sell or assign all or an interest in the ownership of the franchise or of the franchisee or in the assets of the franchise business.

(j) The conditions under which the franchisor may sell or assign in whole or in part.

(k) The conditions under which the franchisee may modify.

(l) The conditions under which the franchisor may modify.

(m) The rights of the franchisee's heirs or personal representative upon the death or incapacity of the franchisee.

(n) The provisions of any covenant not to compete.

(18) Arrangements with public figures: State the following:

(a) Any compensation or other benefit given or promised to a public figure arising, in whole or in part, from:

(i) the use of the public figure in the name or symbol of the franchise, or

(ii) the endorsement or recommendation of the franchise by the public figure in advertisements.

(b) Any right the franchisee may have to use the name of a public figure in his promotional efforts or advertising and any charges to be made to the franchisee in connection with such usage.

(c) The extent to which such public figure is involved in the actual management or control of the franchisor.

(d) The total involvement of the public figure in the franchise operation.

(19) Actual, average, projected or forecasted franchisee sales, profits or earnings:

(a) If the franchisor discloses to prospective franchisees the actual or average sales, profits or earnings of franchisees, an exact copy of the same shall be included in or as an exhibit to the offering circular. Such actual or average sales, profits or earnings shall contain the following legend in not less than 10-point boldface type: **THESE SALES, PROFITS OR EARNINGS ARE (AVERAGES) OF (A) SPECIFIC FRANCHISE(S) AND SHOULD NOT BE CONSIDERED AS THE ACTUAL OR POTENTIAL SALES, PROFITS OR EARNINGS THAT WILL BE REALIZED BY ANY OTHER FRANCHISE. THE FRANCHISOR DOES NOT REPRESENT THAT ANY FRANCHISEE CAN EXPECT TO ATTAIN THESE SALES, PROFITS OR EARNINGS.**

(b) Where projected or forecasted franchisee sales, profits or earnings are proposed to be used, an exact copy of the same shall be included in or as an exhibit to the offering circular. Such projected or forecasted sales, profits or earnings shall contain the following legend in not less than 10-point boldface type: **THESE PROJECTIONS (FORECASTS) OF SALES, PROFITS OR EARNINGS ARE MERELY ESTIMATES AND SHOULD NOT BE CONSIDERED AS THE ACTUAL OR POTENTIAL SALES, PROFITS OR EARNINGS THAT WILL BE REALIZED BY ANY SPECIFIC FRANCHISEE. THE FRANCHISOR DOES NOT REPRESENT**

THAT ANY FRANCHISEE CAN EXPECT TO ATTAIN THESE SALES, PROFITS OR EARNINGS.

(c) With regard to Items (a) and (b) above:

(i) The basis and assumptions for such actual, average, projected or forecasted sales, profits or earnings must be disclosed in detail;

(ii) All actual, average, projected or forecasted sales, profits or earnings must be for or based upon a substantial number of franchises in a concurrent equal period of time: **PROVIDED, HOWEVER,** That any such representation is accompanied by a clear and conspicuous disclosure of the percentage of the total number of franchisees who have achieved such results: **AND FURTHER PROVIDED,** That if the sales, profits or earnings represented, projected or forecasted from were not made in the franchisor's fiscal year immediately preceding the date of the representation, the time period in which they were made must be clearly disclosed in immediate conjunction with such representation and with the same conspicuousness;

(iii) All actual, average, projected or forecasted sales, profits or earnings must be prepared in accordance with generally accepted accounting principles and the amounts represented may not be in excess of sales, profits or earnings actually achieved by existing franchisees;

(iv) If franchises have not been in operation long enough to indicate what sales, profits or earnings may result, then the use of actual, average, projected or forecasted sales, profits or earnings is prohibited;

(v) Franchise locations upon which actual, average, projected or forecasted sales, profits or earnings are based must be identified by address, number of years of operation, whether substantially similar to the franchises offered, whether owner managed, whether such franchisees received any services not generally available to other franchisees and whether such sales, profits or earnings have been audited;

(vi) All projections or forecasts of sales, profits or earnings shall include a statement of the extent to which such projections or forecasts relate to:

(A) Franchises of a type substantially similar to the franchises being offered by this offering circular operating in the state where the franchise is to be located;

(B) Franchises of a substantially similar type throughout the United States;

(vii) All projections and forecasts of sales, profits or earnings must include a break-even point insofar as sales and expenses and also must disclose other relevant financial ratios; and

(viii) Franchisor shall include a statement that substantiation of all actual, average, projected or forecasted sales, profits or earnings will be made available to prospective franchisees upon reasonable demand.

(19) (Alternative) Actual, average, projected or forecasted franchisee sales, profits or earnings:

(a) The franchisor shall in narrative form identify the type of statement (e.g., "Statement of Actual Sales and Earnings" or "Statement of Projected Earnings") and disclose, in detail, the basis and assumptions upon which such statement is based, which generally shall include, but not be limited to, an analysis of the following factors:

(i) Identification of the source(s) of the data, such as franchise outlets, company owned or operated outlets or a combination thereof and the period of time covered by the data.

(ii) The number, geographic location, type of location and time in operation of the outlets included in the data.

(iii) Whether substantially the same services were offered by the franchisor to outlets upon which the data is based.

(iv) Whether the outlets offered substantially the same products or services to the public.

(v) The percentage of franchised outlets that were in operation for an identified twelve month period which have, to the franchisor's knowledge, actually attained or surpassed sales, earnings or profit levels indicated in the statement.

(vi) An estimate of break-even sales volume and the percentage of franchised outlets that were in operation for an identified twelve month period which have, to the franchisor's knowledge, actually attained or surpassed such sales level. In the alternative, a high, medium or low range of sales and the percentage of franchised outlets that were in operation for an identified twelve month period which have, to the franchisor's knowledge, actually attained or surpassed such sales levels.

(vii) Whether the data was received from outlets using a uniform accounting method or system.

(viii) Whether the statement was prepared on a basis consistent with generally accepted accounting principals.

(b) The franchisor shall include a narrative explaining the relevancy of the statement to the franchise to be offered in order that the statement is neither misleading nor confusing to the prospective franchisee.

(c) The franchisor shall affix either legend (i) or (ii) to the statement in not less than 10-point boldface type:

(i) "Such actual sales, income, gross or net profits are of (specific franchise(s)) (company-owned or operated units) and should not be considered as the actual or probable sales, income, gross or net profits that will be realized by any franchisee. The franchisor does not represent that any franchisee can expect to attain such sales, income, gross or net profits."

(ii) "These (projections) (forecasts) of sales, income, gross or net profits are merely estimates and should not be considered as the actual or probable sales, income, gross or net profits that will be realized by any franchisee. The franchisor does not represent that any franchisee can expect to attain such sales, income, gross or net profits."

(d) The franchisor shall indicate in the statement that substantiation of the data used in preparing the statement will be made available to the prospective franchisee, upon reasonable demand, provided, however, that this shall not be construed to require disclosure of the identity of a specific franchisee or to require the release of data without the consent of the specific franchisee, except to the agency with which the filing is made.

(20) Information regarding franchises of the franchisor: State the following as of the close of franchisor's most recent fiscal year:

(a) The total number of franchises, exclusive of company owned or operated distribution outlets, of a type substantially similar to those offered herein and of that number, the number of such franchises which were operational as of the date of this offering circular.

(b) The number of franchises in this state, exclusive of company owned or operated distribution outlets, of a type substantially similar to those offered herein and of that number, the number of such franchises which were operational as of the date of this offering circular.

(c) The total number of franchises substantially similar to those offered herein for which a business is not yet operational although a franchise agreement has been signed.

(d) The number of franchises in this state substantially similar to those offered herein for which a business is not yet operational although a franchise agreement has been signed.

(e) The names, addresses and telephone numbers of all franchises under franchise agreements with the franchisor or its subfranchisor which are located in the state where the proposed franchise is to be located. To the extent that there are fewer than 10 such franchises located in said state, the list shall include at least the 10 such franchises which are most proximate to the location of the proposed franchise; and if fewer than 10 such franchises exist, the list shall identify all such franchises and include a statement to that effect.

In lieu of the above disclosure, the franchisor may attach to the offering circular a list of the names, addresses and telephone numbers of all its franchises under franchise agreements with the franchisor or its subfranchisors.

(f) An estimate of the total number of franchises to be sold or granted during the one year period following the date of the offering circular.

(g) An estimate of the number of franchises to be sold or granted in this state during the one year period following the date of the offering circular.

(h) State the number of franchises in each of the following categories which within the three-year period immediately preceding the close of franchisor's most recent fiscal year have:

(i) been cancelled or terminated by the franchisor for:

- (A) failure to company with quality control standards; and
(B) other reasons;

(ii) not been renewed by the franchisor;

(iii) been reacquired through purchase by the franchisor; and

(iv) been otherwise required by the franchisor.

(i) In regard to the information required by subsection (h) above, state the same information in regard to Washington franchises for the past 2 years.

(21) Financial statements: Financial statements shall be prepared in accordance with generally accepted accounting principles. Such financial statements shall be audited by an independent certified public accountant. Unaudited statements may be used for interim periods.

(a) The financial statements required to be filed by a franchisor shall include a balance sheet as of a date within 90 days prior to the date of the application and profit and loss statements for each of the three fiscal years preceding the date of the balance sheet and for the period, if any, between the close of the last of such fiscal years and the date of the balance sheet. The balance sheet as of a date within 90 days prior to the date of the application need not be audited. However,

if this balance sheet is not audited, there shall be filed in addition an audited balance sheet as of the end of the franchisor's last fiscal year unless such last fiscal year ended within 90 days of the date of the application in which case there shall be filed an audited balance sheet as of the end of the franchisor's next preceding fiscal year. The profit and loss statements shall be audited up to the date of the last audited balance sheet filed, if any.

(b) Controlling company statements: In lieu of the disclosure required by Item (21)(a), complete financial statements of a company controlling the franchisor may be filed, but only if the unaudited financial statements of the franchisor are filed and the controlling company absolutely and unconditionally guarantees to assume the duties and obligations of the franchisor under the franchise agreement should the franchisor become unable to perform its duties and obligations.

(c) Consolidated and separate statements:

(i) Where a franchisor owns, directly or beneficially, a controlling financial interest in any other corporation, the financial statements required to be filed should normally reflect on a consolidated bases the financial condition of the franchisor and each of its subsidiaries.

(ii) A separate financial statement will normally be required for each substantial franchisor or subfranchisor related entity.

(iii) A company controlling 80% or more of a franchisor shall normally be required to file its financial statements.

(iv) Consolidated and separate financial statements shall be prepared in accordance with generally accepted accounting principles.

(22) Contracts: Attach a copy of all franchise and other contracts or agreements proposed for use or in use in this state, including, without limitation, all lease agreements, option agreements, and purchase agreements.

(23) Acknowledgement of receipt by prospective franchisee: The last page of each offering circular shall contain a detachable document acknowledging receipt of the offering circular by the prospective franchisee.

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 460-80-905 FRANCHISE REGISTRATION APPLICATION FACING PAGE.

STATE OF WASHINGTON DEPARTMENT OF LICENSING FRANCHISE REGISTRATION APPLICATION

FILE NO.

(Insert file number of previous filings of applicant, if any)

FEE: (To be enclosed by applicant at time application is initially filed)

Date of Application:

APPLICATION FOR (check only one):

- REGISTRATION OR AN OFFER OR SALE OF FRANCHISES
REGISTRATION RENEWAL STATEMENT OR ANNUAL REPORT
AMENDMENT NUMBER—TO APPLICATION
POST-EFFECTIVE
PRE-EFFECTIVE
FILED UNDER SECTION
DATED

(1) Name of Franchisor.

Name under which the franchisor is doing or intends to do business.

(2) Franchisor's principal business address.

Name and address of franchisor's agent in the state of (name of state) authorized to receive process.

(3) Name, address and telephone number of subfranchisors, if any, for this state.

(4) Name, address and telephone number of person to whom communications regarding this application should be directed.

NEW SECTION

WAC 460-80-915 SALE OF FRANCHISES - POWER OF ATTORNEY FOR CONSENT TO SERVICE. Each application for registration shall include a consent to service of process in the following form:

UNIFORM CONSENT TO SERVICE OF PROCESS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, _____, (a corporation organized under the laws of the state of _____) (a partnership) (an individual) (_____), for the purpose _____ (other)

of complying with the laws of the state of Washington relating to the registration, exemption from registration or sale of franchises, hereby irrevocably appoints the Administrator of Securities, and the successors in such office, its attorney in the state of Washington upon whom may be served any notice, process or pleading in any action or proceeding against it arising out of or in connection with the sale of franchises, or out of violation of the aforesaid laws of said state; and the undersigned does hereby consent that any such action or proceeding against it may be commenced in any court of competent jurisdiction and proper venue within said state by service of process upon said officer with the same effect as if the undersigned was organized or created under the laws of said state and had lawfully been served with process in said state.

It is requested that a copy of any notice, process or pleading served hereunder be mailed to:

(Name and Address)

DATED: _____, 19__.

By: _____
Title: _____
(SEAL)
By: _____
Title: _____

CORPORATE ACKNOWLEDGEMENT

STATE _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 19__, before me _____ the undersigned officer, personally appeared

(Name of Notary)

_____ and _____ known personally to me to be the _____ president and _____ secretary, respectively, of the above-name corporation, and that they, as such officers, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(NOTARIAL SEAL) Notary Public My Commission Expires: _____

INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 19__, before me _____ the undersigned officer, personally appeared

(Name of Notary)

_____ to me personally known and known to me to be the same person(s) whose name(s) is (are) signed to the foregoing instrument, and acknowledged the execution thereof for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(NOTARIAL SEAL) Notary Public My Commission Expires: _____

NEW SECTION

WAC 460-80-925 FRANCHISE REGISTRATION APPLICATION SIGNATURE PAGE. All applications for registration, renewal or amendment shall be verified by signing the following statement:

I certify under penalty of law that I have read this application and the exhibits attached hereto and incorporated herein by reference, and know the contents thereof and that the statements therein are true and correct.

Executed at _____, _____, 19__.

(Signature(s) of franchisor and/or subfranchisor)

By: _____
Title: _____

(SEAL)

STATE OF _____)
) ss.
COUNTY OF _____)

Personally appeared before me this ____ day of _____, 19__, the above-named _____ (and _____, to me known to be the person(s) who executed the foregoing application (as _____ and _____ respectively, of the above-named applicant) and (each), being first duly sworn, stated upon oath that said application, and all exhibits submitted herewith, are true and correct.

(NOTARIAL SEAL) Notary Public

NEW SECTION

WAC 460-80-935 SUPPLEMENTAL INFORMATION PAGE. All applications for registration, renewal or amendment shall be accompanied by the following information on a separate page of the application:

SUPPLEMENTAL INFORMATION

- (1) List the following:
(a) The states in which this proposed registration is effective.
(b) The states in which this proposed registration is or will be shortly on file.
(c) The states, if any, which have refused, by order or otherwise, to register these franchises.
(d) The states, if any, which have revoked or suspended the right to offer these franchises.
(e) The states, if any, in which the proposed registration of these franchises has been withdrawn.
(2) With respect to all franchises sought to be registered set forth in budget form, the total projected financing required by franchisor to fulfill the franchisor's obligations to provide real estate, improvements, equipment, inventory, training and all other items included in the offering. Show separately the sources of all of the required funds including any proposed loans or contributions to capital.

NEW SECTION

WAC 460-80-945 GUARANTEE OF PERFORMANCE. In those cases where the applicant files financial statements in the form permitted by item 21(b) of WAC 460-80-315, a guarantee of performance shall also be filed in the form as follows and included as an exhibit to the offering circular prescribed by WAC 460-80-315:

GUARANTEE OF PERFORMANCE

For value received, _____, located at _____, absolutely and unconditionally guarantees (address) the performance by its subsidiary, _____ (subsidiary) located at _____, of all of the (address) obligations of _____ in accordance with the (subsidiary) terms and conditions of its franchise registration in the state of Washington, dated _____ and of its (effective date of registration) license agreement with the franchisee, _____, (franchisee's name and address) dated _____, 19__.

as the same have been or may hereafter be amended, modified, renewed or extended from time to time. This guarantee shall continue in force until all obligations of _____ under the said franchise registration and license agreement shall have been satisfied or until _____ liability to the franchisee under the franchise registration and license agreement has been completely discharged, whichever occurs first. _____ shall not be discharged from liability hereunder as long as any claim by the franchisee against _____ remains outstanding. Notice of acceptance is waived. Notice of default on the part of _____ is not waived. This guarantee shall be binding on _____ and on its successors and assigns. IN WITNESS WHEREOF, _____ has, by a duly authorized officer, executed this guarantee at _____ on this _____ day of _____, 19____.

By: _____
 Title: _____

Attest: _____

REPEALER

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

- (1) WAC 460-80-120 SUBFRANCHISOR REGISTRATION APPLICATION
- (2) WAC 460-80-130 FRANCHISE REGISTRATION EXHIBITS
- (3) WAC 460-80-150 NUMBER OF FRANCHISES
- (4) WAC 460-80-170 SIGNING OF APPLICATION
- (5) WAC 460-80-180 CONSENT TO SERVICE OF PROCESS
- (6) WAC 460-80-200 RENEWAL OF FRANCHISE REGISTRATION
- (7) WAC 460-80-210 UNDERSCORING OF CHANGES
- (8) WAC 460-80-220 APPLICATION TO AMEND REGISTRATION
- (9) WAC 460-80-320 REQUIRED INFORMATION IN OFFERING CIRCULAR
- (10) WAC 460-80-330 SEQUENCE OF PRESENTATION IN OFFERING CIRCULAR
- (11) WAC 460-80-900 REGISTRATION RENEWAL APPLICATION
- (12) WAC 460-80-910 SALE OF FRANCHISES—POWER OF ATTORNEY FOR CONSENT TO SERVICE.

**WSR 80-02-100
 ADOPTED RULES**

SHORELINES HEARINGS BOARD

[Order 80-1, Resolution 80-1—Filed January 24, 1980]

Be it resolved by the Shorelines Hearings Board, acting at No. 1 South Sound Center, Lacey, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 461-08-070.

This action is taken pursuant to Notice No. WSR 79-12-024 filed with the code reviser on 11/16/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Shorelines Hearings Board as authorized in RCW 90.58.175.

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

APPROVED AND ADOPTED January 23, 1980.

By Nat W. Washington
 Chief Executive Officer

AMENDATORY SECTION (Amending Order 77-1, filed 2/3/77)

~~WAC 461-08-070 REQUESTS FOR REVIEW TO THE BOARD—TIME FOR FILING. (1) Any request for review pursuant to RCW 90.58.180(1) by the permit applicant shall be filed with the Board within thirty days after receipt of the final decision of the local government: (1) A Request for Review pursuant to RCW 90.58.180(1) by any person aggrieved shall be filed with the Board within thirty days of the "date of filing" as defined in RCW 90.58.140(6).~~

~~(2) Any Request for Review pursuant to RCW 90.58.180(1) by any aggrieved person other than the permit applicant shall be filed with the Board in accordance with the following criteria:~~

~~(a) Any person involved in the permit proceedings (see WAC 173-14-070) before local government: within thirty days from his/her receipt of the final decision.~~

~~(b) Nonparticipants: within thirty days from permit applicant's receipt of the final decision.~~

~~(3) (2) The Department of Ecology or the attorney general may, pursuant to RCW 90.58.180(2) obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the board and the appropriate local government within thirty days from the date the final decision was actually received by the Department.~~

WSR 80-02-101

**NOTICE OF PUBLIC MEETINGS
 CEMETERY BOARD**

[Memorandum, Exec. Sec.—January 22, 1980]

The Cemetery Board does not have a regular meeting date. They are required by the RCW to meet at least three times a year. Each meeting called is called for the purpose of considering applications or disciplinary action, as the event dictates, at a location dictated by the event.

Each meeting of the board is properly announced as required by law so that the public and in particular interested parties will be so advised.

WSR 80-02-102

ADOPTED RULES

BELLEVUE COMMUNITY COLLEGE

[Order 70, Resolution 127—Filed January 24, 1980]

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 Tuition and Fee Waivers for Bellevue Community College Senior Citizens—Admissions, Residency and Classification and Registration Regulations — Schedule of Fees and Financial Aid for Community College District VIII, new section WAC 132H-160-095.

This action is taken pursuant to Notice No. WSR 79-12-097 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

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 January 22, 1980.

By Thomas E. O'Connell
Secretary

NEW SECTION

WAC 132H-160-095 TUITION AND FEE WAIVERS FOR BELLEVUE COMMUNITY COLLEGE SENIOR CITIZENS. Pursuant to the authority granted by Chapter 157, Laws of 1975 (RCW 28B.15.540) Bellevue Community College is authorized to and may waive tuition, operating, and services and activities fees for senior citizens enrolled in courses at the college under the following conditions: (1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college.

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(3) Senior Citizens enrolling on a space-available basis shall be charged a registration fee of \$2.50 per class plus any lab fees that may be associated with the class and a maximum of two courses per quarter will be allowed.

(4) Enrollments under this provision will not be used for state reimbursement purposes.

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 80-02-103

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed January 24, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the establishment of a staggered system to determine renewal dates for licenses of agents, brokers, solicitors and adjusters; and establishing appointment procedures and renewal dates for agents. A copy of the proposed rules is shown below, however, the final language may be changed prior to adoption. It is the intention of the commissioner to adopt these rules on an emergency basis prior to the hearing;

that such agency will at 10 a.m., Monday, March 17, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Thursday, March 20, 1980, in the Insurance Commissioner's Office, 2nd Floor, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.160 and section 10 of chapter 269, Laws of 1979 1st ex. sess. to implement RCW 48.17.160 and 48.17.500 amended by sections 2 and 6 of chapter 269, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1980, and/or orally at 10 a.m., Monday, March 17, 1980, in the Insurance Commissioner's Office, 2nd Floor, Insurance Building, Olympia, Washington.

Dated: January 24, 1980

By: Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-17-400 STAGGERED LICENSING FOR INSURANCE AGENTS, BROKERS, SOLICITORS AND ADJUSTERS—CONVERSION OF CURRENT LICENSES—ASSIGNMENT OF RENEWAL DATE FOR NEW LICENSES. The licensing of insurance agents, brokers, solicitors and adjusters in Washington shall be converted to a staggered licensing system as follows:

(1) Those licenses expiring on March 31, 1980 shall be renewable for six months and shall expire on September 30, 1980.

(2) New licenses issued on or after April 1, 1980 and before October 1, 1980 shall be valid until September 30, 1980.

(3) All licenses then outstanding will expire on September 30, 1980, as provided by subsections 1 and 2 above. In the case of licenses issued to individuals, such licenses will be renewed for a period ending with the individual licensee's second birthday anniversary occurring after September 30, 1980. In the case of firms or corporations, the license will be renewed for a period ending with the firm or corporation's second renewal date occurring after September 30, 1980. Such renewal dates are assigned by the Office of the Insurance Commissioner. Thereafter, all licenses will be renewed for a period of one year from their termination date.

(4) New licenses issued on or after October 1, 1980, will be valid for a period ending with the licensee's first birthday anniversary after the initial issue date in the case of individuals, and for a period ending with the first renewal date after the initial issue date in the case of firms or corporations. Thereafter, such licenses will be renewed as provided by subsection 3 above.

(5) During the conversion to a staggered system of license renewals, fees shall be prorated on the basis of 1/12th the annual renewal fee for

each month or fraction thereof for the term for which the license is being renewed.

NEW SECTION

WAC 284-17-410 STAGGERED APPOINTMENT PROCEDURES FOR INSURANCE AGENTS. The appointment of insurance agents by insurers in Washington shall be converted to a staggered system as follows:

(1) Effective March 31, 1980, the appointments of all insurance agents expire and shall be renewable for six months to expire as of September 30, 1980.

(2) Appointments of insurance agents that are newly made between March 31, and September 30, 1980 shall also expire on September 30, 1980.

(3) New and renewal appointments that are made on and after October 1, 1980 shall be valid for a period ending with the insurer's first renewal date after the initial issue date. Such renewal date is assigned by the Office of the Insurance Commissioner. Thereafter, all appointments will be renewed for a period of one year from their termination date.

(4) During the conversion to a staggered system of appointment renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the appointment is being made or renewed.

NEW SECTION

WAC 284-17-420 APPOINTMENT PROCEDURES FOR LICENSED PERSONS EMPOWERED TO EXERCISE THE AUTHORITY CONFERRED TO A CORPORATE OR FIRM LICENSEE—CONVERSION TO A STAGGERED SYSTEM OF RENEWALS. (1) Each firm or corporation licensed as an insurance agent must be appointed by an insurer or insurers as required by RCW 48.17.160 as a prerequisite to the sale of insurance: PROVIDED, That individual licensees who are empowered to exercise the authority conferred by the corporate or firm license need not be individually appointed by insurers.

(2) Effective April 1, 1980, all firms or corporations licensed as an agent, adjuster or broker shall notify the Office of the Insurance Commissioner of all persons who are empowered to exercise the authority conferred by the firm or corporate license. For purposes of this section, such persons shall be defined as "affiliated" with the licensed firm or corporation. The notice of affiliation shall expire on September 30, 1980. Notice of new affiliations made between April 1, 1980 and September 30, 1980 shall also expire on September 30, 1980.

(3) On and after October 1, 1980, the notice of affiliations by a licensed firm or corporation shall be valid until the first affiliation renewal date established by the Office of the Insurance Commissioner for the firm or corporation. Each firm or corporation shall annually pay the affiliation renewal fee which shall be the same as the agent appointment renewal fee. Thereafter, each affiliation will be renewed for a period of one year from its termination date.

(4) During the conversion to a staggered system of affiliation renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the affiliation is being made or renewed.

**WSR 80-02-104
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed January 24, 1980]**

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 1979 summer and 1979 winter addenda to the ASME Boiler and Pressure Vessel Code, amending WAC 296-104-200;

that such agency will at 10:00 a.m., Tuesday, March 18, 1980, in the Conference Room 412, 300 West

Harrison, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 18, 1980, in the Conference Room 412, 300 West Harrison, Seattle, Washington.

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 March 18, 1980, and/or orally at 10:00 a.m., Tuesday, March 18, 1980, Conference Room 412, 300 West Harrison, Seattle, Washington.

Dated: January 21, 1980

By: Taylor A. Anderson
Chairman

AMENDATORY SECTION (Amending Order 79-7, filed April 30, 1979)

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 ((February 1, 1979)) February 1, 1980. 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) becomes 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 semiannual 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.

**WSR 80-02-105
ADOPTED RULES**

**COUNTY ROAD ADMINISTRATION BOARD
[Order 37—Filed January 24, 1980]**

Be it resolved by the County Road Administration Board, acting at 6730 Martin Way, N.E., Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to encouragement of a maintenance management procedure for Washington state counties.

This action is taken pursuant to Notice No. WSR 79-12-056 filed with the code reviser on 11/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the County Road Administration Board as authorized in chapter 36.78 RCW.

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

APPROVED AND ADOPTED January 16, 1980.
By Ernest Geissler
Director

CHAPTER 136-11

REGARDING MAINTENANCE MANAGEMENT

NEW SECTION

WAC 136-11-010 PURPOSE. The laws of the state of Washington specify in RCW 36.80.030 that the county road engineer shall have supervision, under the direction of the county legislative authority, of maintaining all county roads of the county. The purpose of this Standard of Good Practice is to recognize that the majority of road maintenance activities can be planned, scheduled and accomplished in a pre-determined manner which will result in improved economics of operation, public safety and welfare, and preservation of investment of county roads; PROVIDED, however, that this Standard of Good Practice shall not be mandatory and shall not be considered in the issuance of Certificates of Good Practice.

NEW SECTION

WAC 136-11-020 GOAL. This Standard of Good Practice is intended to encourage each county road engineer to apply basic management principles to road maintenance activities and to set forth specific goals and objectives relative to the results to be achieved.

NEW SECTION

WAC 136-11-030 OBJECTIVES. For the guidance and information of the engineer developing a maintenance management program the following objectives merit serious consideration:

(1) To provide, annually, opportunities for key personnel to receive initial training or refresher training in the principles of maintenance management.

(2) To develop countywide maintenance standards or levels of service for each major maintenance activity.

(3) To develop standards of performance for individuals and work crews setting forth both the quality and quantity of results anticipated.

(4) To prepare an annual maintenance program for adoption coincident with the annual budget and construction program which is to identify resource requirements in terms of manpower, equipment and materials, and the costs of each.

(5) To schedule, on an annual basis, major maintenance activities based on available budgeted maintenance funds so as to achieve an optimum balance of resources in the available time.

(6) To develop, and annually update, a long range equipment replacement program encompassing all major road department equipment so as to meet the equipment demands of the maintenance program.

(7) To establish an information reporting system capable of compiling data needed to allow comparison of actual performance with established performance standards and budgetary constraints.

(8) To discuss, at least biennially, with appropriate supervisory personnel the data regarding utilization of manpower, equipment and materials so as to assure the lowest attainable unit cost for each maintenance activity.

(9) To provide adequate information to all maintenance personnel regarding goals and objectives of the county's maintenance management program.

(10) To explore and evaluate new techniques, products, equipment and ideas which show promise of significantly improving performance or decreasing cost in any segment of the maintenance management effort.

WSR 80-02-106

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 80-02—Filed January 24, 1980]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 390-28-100	Reporting modifications—Possible qualifications.
Amd	WAC 390-20-120	Forms for report of legislative activity by state and local government agencies.
Rep	WAC 390-12-020	Purpose.
Rep	WAC 390-12-030	Definitions.
Rep	WAC 390-12-060	Public records available.
Rep	WAC 390-12-070	Public records officer.
Rep	WAC 390-12-080	Office hours.
Rep	WAC 390-12-090	Requests for public records.
Rep	WAC 390-12-100	Copying.
Rep	WAC 390-12-110	Exemptions.
Rep	WAC 390-12-120	Review of denials of public records requests.
Rep	WAC 390-12-140	Records index.
Rep	WAC 390-12-160	Adoption of form.
Rep	WAC 390-16-080	For reports by candidates/committees less than \$1,000 expenditures—Contributions.
Rep	WAC 390-16-085	Candidates and committees—Surplus funds—Defined.
Rep	WAC 390-16-090	Disposition.
Rep	WAC 390-16-095	Use in future.
Rep	WAC 390-20-030	Forms—For statement of compensation paid to elected officials.
Rep	WAC 390-20-040	Forms—For report of legislative activity by legislators and legislative committees.
Rep	WAC 390-20-050	For report of legislative activity by state agencies.
Rep	WAC 390-20-060	For registration and reporting by sponsors of grass roots lobbying campaigns.
Rep	WAC 390-20-070	For statement of employment of legislators, state officers, and state employees.

This action is taken pursuant to Notice No. WSR 79-12-081 filed with the code reviser on 11/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) 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 January 22, 1980.

By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 100, filed 7/24/78)

WAC 390-20-120 FORMS FOR REPORT OF LEGISLATIVE ACTIVITY BY ~~((STATE AND LOCAL GOVERNMENT))~~ PUBLIC AGENCIES. Pursuant to the statutory authority of RCW 42.17.190, the official form for the report of legislative activity by ~~((state and local government))~~ public agencies as required by RCW 42.17.190 is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised 6/79, shall be designated as "L-5" (~~((revised 5/78))~~). Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

They must
L-5 Rev 6-79
now 390-20-050
and was replaced by this
The is
Rev. L-5 11/79
390-20-120



PUBLIC DISCLOSURE COMMISSION

TO THE STATE OF WASHINGTON
 403 EVERGREEN PLAZA BUILDING
 711 CAPITOL WAY
 OLYMPIA, WASHINGTON 98504
 PHONE: 206-753-1111

PDC FORM L-5 REV. 5/78	LEGISLATIVE ACTIVITIES BY STATE AND LOCAL GOVERNMENT AGENCIES RCW 42.17.190
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THIS SPACE FOR OFFICE USE

FILE NUMBER	P.M. DATE	DATE RECVD
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(Type or print clearly)

AGENCY OR GOVERNMENTAL ENTITY NAME AND ADDRESS	DATE PREPARED	REPORT FOR CALENDAR QUARTER ENDING
	COUNTY	MONTH YEAR

LEGAL CITATION AUTHORIZING LOBBYING ACTIVITIES

- Authority is expressly granted this agency for lobbying or legislative activity and is contained in the following RCW or ordinance: _____
- This agency depends on RCW 42.17.190 as amended for authority to expend public funds in legislative activities. (RCW 42.17.190 is printed on reverse.)

IDENTIFICATION OF PERSONS ENGAGED IN LEGISLATIVE RELATED ACTIVITIES DURING PERIOD AND THE NATURE OF SUCH ACTIVITIES

Employee	NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT ON LEGISLATIVE ACTIVITIES DURING QUARTER
1				

GENERAL DESCRIPTION OF LEGISLATIVE ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

Employee	NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT ON LEGISLATIVE ACTIVITIES DURING QUARTER
2				

GENERAL DESCRIPTION OF LEGISLATIVE ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

Employee	NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT ON LEGISLATIVE ACTIVITIES DURING QUARTER
3				

GENERAL DESCRIPTION OF LEGISLATIVE ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Each state agency and each city, town, county, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds in providing information, contacting or communicating with members of the state legislature or otherwise lobbying as defined by chapter 42.17.020(18) RCW.

FILING FREQUENCY: Quarterly.
 Negative reports are not required.
FILING DEADLINE: Apr. 30, July 30,
 Oct 30, Jan 30
FORM TO BE SUBMITTED TO: Public Disclosure Commission,
 403 Evergreen Plaza
 Olympia, Washington 98504

**ATTACH ADDITIONAL SHEETS IF MORE ROOM IS REQUIRED
 CONTINUE ON REVERSE**

PDC FORM L-5 (Rev. 5/78)
 Editions of PDC form L-5 (Rev. 9/75 and 10/77) are obsolete.



ITEMIZED EXPENDITURES BY THE AGENCY FOR LOBBYING OR LEGISLATIVE ACTIVITIES

	(For each person identified as engaged in lobbying on front of this report: Multiply $\frac{1}{4}$ of annual salary x % time lobbying. Add total for each person, enter sum here →)	
SALARIES OF PERSONS ENGAGED IN DIRECT LOBBYING		\$
TRAVEL EXPENSE (food, lodging or per diem payments and commercial or private transportation used)		\$
PRINTING, PUBLICATIONS OR OTHER LEGISLATIVE INFORMATIONAL MATERIAL		\$
CONSULTANTS OR CONTRACTS		\$
OFFICE EXPENSES (Proportionate cost for staff, secretarial assistance, telephone, rent, copying and other overhead expenses)		\$
TOTAL THIS QUARTER		\$
TOTAL TO DATE THIS YEAR		\$

CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190.	SIGNATURE OF AGENCY HEAD
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RCW 42.17.190 Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds shall be used directly or indirectly for lobbying: PROVIDED, this shall not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; of communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law may expend public funds for lobbying but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency:

PROVIDED, That public funds shall not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" shall mean a voluntary transfer of anything of value without consideration of equal or greater value, but shall not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section shall not permit the printing of a state publication which has been otherwise prohibited by law.

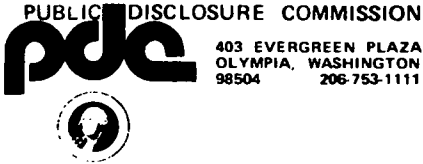
(4) Each state agency which expends state funds for lobbying pursuant to an express authorization by law and each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying pursuant to the authorization contained in subsection (3) of this section or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation shall file with the commission quarterly statements providing the following information for the quarter just completed:

- (a) The name of the agency filing the statement;
- (b) The name, title, and job description and salary of each elected official, officer, or employee engaged in such activities, a general description of the nature of the activities, and the proportionate amount of time spent on the activities;
- (c) An itemized listing of any expenditures incurred by the agency for such activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(5) The provisions of this section shall not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

RCW 42.17.370(8) The term "legislative information" . . . means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial portion of which is to influence the passage or defeat of any legislation.



PDC FORM **L-5** REV. 11-79 **LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES**

THIS SPACE FOR OFFICE USE

FILE NUMBER	P. M. DATE	DATE RECEIVED
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INSTRUCTIONS ARE PRINTED ON REVERSE

AGENCY OR GOVERNMENTAL ENTITY NAME AND ADDRESS	DATE PREPARED	REPORT FOR CALENDAR QUARTER ENDING
	COUNTY	MONTH YEAR

PERSONS WHO LOBBIED THIS QUARTER

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
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GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
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GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
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GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE.

EXPENDITURES FOR LOBBYING THIS QUARTER
REPORT ONLY THE SEPARATELY IDENTIFIABLE AND MEASURABLE EXPENDITURES INCURRED FOR LOBBYING PURPOSES

SALARIES OF PERSONS WHO LOBBIED (include only portion of quarterly salary attributable to lobbying)	\$
TRAVEL (include food, lodging, per diem payments and cost of transportation used.)	\$
BROCHURES AND OTHER PUBLICATIONS WHOSE PRINCIPAL PURPOSE IS TO INFLUENCE LEGISLATION	\$
CONSULTANTS OR OTHER CONTRACTUAL SERVICES	\$
TOTAL THIS QUARTER	\$
TOTAL TO DATE THIS YEAR	\$

CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190.	SIGNATURE OF AGENCY HEAD
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INSTRUCTIONS

These instructions apply only to government agencies reporting pursuant to RCW 42.17.190.

Who Should Report?

Each state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds for "lobbying". Please study the definitions of what is and is not included in lobbying to determine if your agency is required to report.

"Lobbying" means attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW. "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

Lobbying Does Not Include

1. Requests for appropriations by a state agency to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. Note that an agency representative who, in person, contacts a legislator or committee on appropriations matters is lobbying.
2. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
3. Official reports including recommendations submitted annually or biennially by a state agency as required by law.
4. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
5. Telephone conversations or preparation of written correspondence.
6. Preparation or adoption of policy positions within an agency or group of agencies. Note that once a position is adopted, further action to advocate it may constitute lobbying.
7. Attempts to influence federal or local legislation.

Lobbying Not Reportable

1. In person lobbying totaling no more than four days or parts of days during any three month period in aggregate for all officials and employees of the agency. In person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or observe testimony and debate.
2. In person lobbying by any elected official on behalf of his agency or in connection with his powers, duties or compensation.

Expenditures Over \$15 of Non-public Funds

Any person (including an elected official) who expends more than \$15 of personal or non-public funds for or on behalf of one or more legislators, state elected officials or state public officers or employees in connection with in-person lobbying must be listed on the L-5 report. Attach a page showing the spender's name, and date, the source of funds and amount spent, and for whom the money was spent. Examples of these expenditures include entertainment, dinners and campaign contributions.

Reports Required

The L5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

Due Dates

April 30 (1st quarter)	July 31 (2nd quarter)
October 31 (3rd quarter)	January 31 (4th quarter)

ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

SEND REPORTS TO: PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA MAIL STOP FJ-42
OLYMPIA, WA 98504

Special Note: In lieu of reporting as provided in RCW 42.17.190 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17.150, .160, .170 and 180. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

AMENDATORY SECTION (Amending Order 64, filed 11/25/75)

WAC 390-28-100 REPORTING MODIFICATIONS—POSSIBLE QUALIFICATIONS. The following, or any of them, may be considered possible qualifications for a reporting modification((s)) under RCW 42.17.370(9) pursuant to these regulations.

(a) Reporting any financial interest, otherwise required to be reported by RCW 42.17.240(1)(b) of said act, if the financial institution or other entity in which the candidate or official having such interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or elected official, and provided that such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(b) Reporting any of the information required by RCW 42.17.240(1)(f) and (g), if public disclosure would violate any legally recognizable confidential relationship; provided, the information in question does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by such candidate or elected official in whole or in part: **AND PROVIDED FURTHER,** That such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held, in the public interest.

(c) Reporting any of the information required by RCW 42.17.240 for members of the immediate family of a candidate or elected official, if such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status and such financial interest does not constitute a present or prospective source of income to such candidate or elected official or to any other person who is dependent upon such candidate or elected official for support in whole or in part.

(d) Reporting any other matter which would constitute an unreasonable hardship in a given case, when the matter reported would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held in the public interest.

REPEALER

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

<u>WAC 390-12-020</u>	Purpose
<u>WAC 390-12-030</u>	Definitions
<u>WAC 390-12-060</u>	Public Records Available
<u>WAC 390-12-070</u>	Public Records Officer
<u>WAC 390-12-080</u>	Office Hours
<u>WAC 390-12-090</u>	Requests for Public Records
<u>WAC 390-12-100</u>	Copying
<u>WAC 390-12-110</u>	Exemptions
<u>WAC 390-12-120</u>	Review of Denials of Public Records Requests
<u>WAC 390-12-140</u>	Records Index

<u>WAC 390-12-160</u>	Adoption of Form
<u>WAC 390-16-080</u>	For Reports by Candidates/Committees Less Than \$1,000 Expenditures—Contributions
<u>WAC 390-16-085</u>	Candidates and Committees—Surplus Funds—Defined Disposition
<u>WAC 390-16-090</u>	Use in Future
<u>WAC 390-16-095</u>	Forms—For Statement of Compensation Paid to Elected Officials
<u>WAC 390-20-040</u>	Forms—For Report of Legislative Activity by Legislators and Legislative Committees
<u>WAC 390-20-050</u>	For Report of Legislative Activity by State Agencies
<u>WAC 390-20-060</u>	For Registration and Reporting by Sponsors of Grass Roots Lobbying Campaigns
<u>WAC 390-20-070</u>	For Statement of Employment of Legislators, State Officers, and State Employees

WSR 80-02-107**EMERGENCY RULES****TACOMA COMMUNITY COLLEGE**

[Resolution 80-1—Filed January 25, 1980]

Be it resolved by the board of trustees, of the Tacoma Community College, Community College District 22, acting at John Binns Room, Building #7, Tacoma Community College, that it does promulgate and adopt the annexed rules relating to Attendance incentive program—Unused sick leave compensation, chapter 132V-23 WAC.

We, Board of Trustees of Tacoma Community College, 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 pursuant to RCW 41.04.340, which establishes an attendance incentive program for state employees, each personnel authority of the state of Washington must promulgate rules to administer the program. Since RCW 41.04.340 enables employees to participate effective January 1, 1980, the Board of Trustees of Community College District 22 finds that it must adopt emergency rules in order to implement the act immediately.

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

This rule is promulgated pursuant to RCW 41.04.340 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED January 24, 1980.

By Larry P. Stevens
Secretary

Chapter 132V-23 WAC
ATTENDANCE INCENTIVE PROGRAM—UN-
USED SICK LEAVE COMPENSATION

NEW SECTION

WAC 132V-23-010 AUTHORITY. Pursuant to the authority granted by chapter 150, Laws of 1979, the Board of Trustees of Tacoma Community College, District 22, hereby establishes rules for the implementation of an Attendance Incentive program to include the conditions under which employees will be eligible to cash out portions of their accrued sick leave.

NEW SECTION

WAC 132V-23-020 ELIGIBLE EMPLOYEES. Employees eligible to participate in the Attendance Incentive Program shall include full-time academic employees, other than teaching and research faculty, and administrative and exempt employees who are entitled to accumulate sick leave and for whom accurate sick leave records are maintained.

NEW SECTION

WAC 132V-23-030 ACCRUED SICK LEAVE ACCOUNTS. Sick leave entitlement shall be accrued by eligible employees in the two separate accounts defined herein:

(1) Compensation account: The account to which is credited not more than one day per month of accrued sick leave for each month of employment.

(2) Auxiliary account: The account to which is credited any days of accrued sick leave in excess of one day for each month of employment.

NEW SECTION

WAC 132V-23-040 SICK LEAVE ACCRUAL LIMITS. The maximum accrual of sick leave days by an employee in both accounts is limited to a total of one hundred eighty days.

NEW SECTION

WAC 132V-23-050 PREVIOUSLY ACCRUED SICK LEAVE. Employees who accrued sick leave under previous leave policies, prior to January 1, 1980, shall have such accrued leave divided between the two accounts:

(1) So that not more than one day per month of accrued sick leave shall be credited to the compensation account; and

(2) So that any sick leave days accrued in excess of one day per month shall be credited to the auxiliary account.

NEW SECTION

WAC 132V-23-060 USE OF ACCRUED SICK LEAVE. An eligible employee shall have all sick leave days used during a calendar year deducted from his/her compensation account. When the employee's entire compensation account is depleted, additional sick leave days used shall be deducted from his/her auxiliary account. The most recently accumulated sick leave days in the employee's compensation account (last-in) shall be the first days deducted from the employee's compensation account.

NEW SECTION

WAC 132V-23-070 COMPENSATION FOR UNUSED SICK LEAVE. Eligible employees shall receive monetary compensation for accrued sick leave as follows:

(1) In January of each year, and at no other time, an employee whose year-end sick leave balance in the compensation account exceeds sixty days may choose to convert sick leave days accrued in the previous calendar year which have not been used during the year to monetary compensation. The number of days converted may not exceed one day per month. Any employee who chooses to convert his/her sick leave days shall submit a written request to the personnel office.

(2) No sick leave days may be converted which would reduce the calendar year-end balance in the compensation account below sixty days.

(3) Monetary compensation for converted compensable days shall be at the rate of one full day's pay for every four days converted. The amount of the employee's full day's pay shall be based on the employee's salary at the time of conversion.

(4) All converted days shall be deducted from the employee's compensation account balance.

(5) Employees who separate from the district on or after September 1, 1979, due to retirement or death shall be compensated for their unused compensable sick leave accumulation at the rate of one full day's pay for every four days converted. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested-out-of-service" employees who leave funds on deposit with the retirement system.

NEW SECTION

WAC 132V-23-080 EXCLUSIONS. (1) Compensation for unused sick leave shall be excluded from computations of retirement allowance; therefore, no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(2) An employee who separates from the district for any reasons other than retirement or death is excluded from compensation for accrued sick leave.

(3) Full-time classified employees are excluded from chapter 132V-23 WAC and are provided for in WAC 251-22-124 and 251-22-125 of the Higher Education Personnel Board rules.

WSR 80-02-108
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
 [Memorandum, President—January 18, 1980]

In compliance with RCW 42.30.075, we hereby file with your office notification of the Grays Harbor College Board of Trustees regular meeting dates in calendar year 1980. The specific dates for 1980 are listed below.

January 21, 1980
 March 17, 1980
 May 19, 1980
 September 15, 1980
 November 17, 1980

All regular meetings of the Grays Harbor College Board of Trustees will be held in the Conference Room of the Administration Building at Grays Harbor College, Aberdeen, Washington, at 8:00 p.m.

WSR 80-02-109
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Order 1482—Filed January 25, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Impact account—Criminal justice cost reimbursement, new chapter 275-110 WAC.

This action is taken pursuant to Notice No. WSR 79-12-116 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.72.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
 Executive Assistant

NEW SECTION

WAC 275-110-010 PURPOSE. The purpose of these rules is to implement the provisions of chapter 108, Laws of 1979 ex. sess. by establishing standards and procedures for providing financial relief to cities and counties impacted by criminal behavior of certain state institutional residents. An impact account, within the general fund, is created to reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein. Reimbursement is limited to appropriated funds.

NEW SECTION

WAC 275-110-020 DEFINITIONS. The following words and phrases shall have the following meaning when used in these regulations.

(1) "Department" means the department of social and health services.

(2) "Political subdivisions" means counties, cities and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services or his designee(s).

(5) "Incremental" means efforts or costs incurred by cities and/or counties that are specifically and exclusively attributable to criminal behavior of state institutional residents.

(6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.

NEW SECTION

WAC 275-110-030 LIMITATION OF FUNDS. The secretary shall make reimbursement to the extent funds are available. Reimbursement shall be strictly limited to cities and counties in which state institutions, as defined in WAC 275-110-020, are located. Only incremental costs directly, specifically, and exclusively associated with criminal activities of offenders residing in state institutions shall be considered for reimbursement. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial, and jail facilities costs.

NEW SECTION

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city and county governments impacted by the institutions listed in this section.

- | | |
|---|----------------------------------|
| (1) Washington state penitentiary | Walla Walla/Walla Walla |
| (2) Washington state reformatory | Monroe/Snohomish |
| (3) Washington state correctional center | Shelton/Mason |
| (4) Women's treatment center | Purdy/Pierce |
| (5) Firlands correction center | Seattle/King |
| (6) Larch Mountain honor camp | Yacolt/Clark |
| (7) Clearwater corrections center | Forks/Clallam |
| (8) Indian Ridge treatment center | Arlington/Snohomish |
| (9) Pine Lodge corrections center | Medical Lake/
Spokane/Spokane |
| (10) Cedar Creek corrections center | Littlerock/Thurston |
| (11) Echo Glen children center | Snoqualmie/King |
| (12) Green Hill school | Chehalis/Lewis |
| (13) Maple Lane school | Centralia/Lewis |
| (14) Cascadia reception and diagnostic center | Tacoma/Pierce |
| (15) Mission Creek youth camp | Belfair/Mason |
| (16) Naselle youth camp | Naselle/Pacific |
| (17) Woodinville group home | Woodinville/Snohomish |
| (18) Canyon View group home | East Wenatchee/Douglas |
| (19) Sunrise group home | Ephrata/Grant |
| (20) Twin Rivers group home | Richland/Benton |

- (21) Oakridge group home
- (22) Pioneer group home
- (23) Western state hospital
- (24) Eastern state hospital

Tacoma/Pierce
Tacoma/Pierce
Steilacoom/Pierce
Medical Lake/
Spokane/Spokane

NEW SECTION

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. Reimbursement is limited to the specific city/county law enforcement agency listed in WAC 275-110-040. A maximum of four hours of incremental law enforcement effort shall be considered for reimbursement. For the 1979-81 biennium, the maximum reimbursement rates are: \$12.30 per hour for state fiscal year 1980 and \$13.17 per hour for state fiscal year 1981.

NEW SECTION

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. Reimbursement for investigations of crimes committed inside or outside institutions, impacting the city/county courts as set forth in WAC 275-110-040, shall be limited to four hours for each case and reimbursed at the established rate for law enforcement efforts set forth in WAC 275-110-050. If, after investigation, criminal charges are filed, fully documented prosecutorial and defense attorney fees may be reimbursed. Reimbursement shall be limited to one defense attorney and one prosecutor per case. Reimbursement shall not exceed \$30 per hour, up to eight hours per case, for each attorney.

NEW SECTION

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) Judicial costs shall be strictly limited to cases involving institutional residents as defined in WAC 275-110-040. Reimbursement is limited to judges, court reporters, expert witnesses, and transcript typing, if required.

(2) Reimbursement for judges hearing cases shall be reimbursed at \$30 per hour up to eight hours per documented case; this cost shall include services provided by court clerks and bailiffs. Court reporters shall be reimbursed at the rate of \$12.50 per hour up to eight hours per case. Required typing of transcripts shall be reimbursed at \$2.50 per page up to \$100 per case. If required, expert witnesses shall be reimbursed at \$30 per hour up to four hours per case.

NEW SECTION

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020. Request for reimbursement must be fully documented and must include the resident's name and all appropriate admission and release dates. Reimbursement shall be limited to \$3.50 per resident day. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations.

NEW SECTION

WAC 275-110-090 BILLING PROCEDURE. Requests for reimbursement should be made on standard fiscal documents with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary. Bills should be submitted quarterly to the appropriate division.

(1) Although subject to the fee schedule set forth above, all submitted claims for reimbursement should reflect actual costs incurred. Subsequent adjustment to reflect the actual fee schedule will be made by DSHS.

(2) Claims involving adult offenders, excluding those residing at Western or Eastern State Hospitals, shall be submitted to: DSHS, Adult Corrections Division, MS FN-61, Olympia, Washington 98504.

(3) Claims involving juvenile offenders shall be submitted to: DSHS, Division of Juvenile Rehabilitation, MS 42-J, Olympia, Washington 98504.

(4) Claims involving mentally ill offenders shall be submitted to: DSHS, Division of Mental Health, MS OB 42-F, Olympia, Washington 98504.

NEW SECTION

WAC 275-110-100 EXCEPTIONS. The secretary, at his discretion, may allow exceptions to these rules. Requests for exceptions, with appropriate justification and documentation, may be submitted to the appropriate division as listed in WAC 275-110-090.

WSR 80-02-110

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed January 28, 1980]

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 "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). Adoption of the 1978 MUTCD as an amendment to chapter 468-95 WAC;

that such agency will at 10:00 a.m., Monday, March 17, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 17, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

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 March 17, 1980, and/or orally at 10:00 a.m., Monday, March 17, 1980, Board Room, Room 1D

9, Highway Administration Building, Olympia, Washington.

Dated: January 28, 1980
By: W.A. Bulley
Secretary of Transportation

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

Chapter 468-95 WAC
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS

The "Manual on Uniform Traffic Control Devices for Streets and Highways" ((1970 Revision)) 1978 edition (MUTCD), approved by the Federal Highway Administrator ((on November 13, 1978;)) as the national standard for all highways open to public travel; published ((under date of 1977)) by the U. S. Department of Transportation, Federal Highway Administration, ((together with "Modifications to Manual on Uniform Traffic Control Devices" designated Exhibit "A") was duly adopted ((by the Highway Commission by Permanent Order 132, dated March 20, 1972, filed on March 22, 1972, and was adopted for recodification in title 468 of the Washington Administrative Code by Administrative Order No. 1 of the Washington Transportation Commission dated January 24, 1978, (filed on December 20, 1978) and)) by Administrative Order No. ((10)) . . . of the Secretary of Transportation dated ((January 24, 1978 (filed on December 20, 1978))) The manual includes in part ((350)) many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to convert these regulations((:)) and illustrations ((and the additions and amendments to the manual which are identified hereinbelow;)) to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402, ((Stock No. 5001-0021;)) Price (((\$3.50)) \$18.00. The document ((and the amendments thereto are)) is available for public inspection at the headquarters office and all district offices of the Washington State Department of Transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD in its possession.

The following ((amendments and)) modifications to the MUTCD have also been adopted by Administrative Order No. ((1 adopted by the Washington Transportation Commission on January 24, 1978 (filed December, 1978), and by Administrative Order No. 10 adopted by)) . . . of the Secretary of Transportation on ((January 24, 1978 (filed December 20, 1978)))

((The following designated rulings on the Manual on Uniform Traffic Control Devices as contained in "Official Rulings on Requests for Interpretations, Changes and Experimentations," Volumes I through VIII published by the U. S. Department of Transportation, Federal Highway Administration, are adopted:

RULING VOLUME SUBJECT

Table with 3 columns: RULING, VOLUME, SUBJECT. Includes entries like Sn 5-71 - III Use of "Right Lane" in place of "Next Right" on exit direction signs.

RULING VOLUME SUBJECT

Table with 3 columns: RULING, VOLUME, SUBJECT. Includes entries like Sn 7-72 - VI Symbol weight limit sign; Sn 57 - VI Color combination of auxiliary county and forest route markers.

RULING VOLUME SUBJECT

M MARKINGS

- M 14 IV Use of a single solid yellow left edge line on all divided highways.
- M 15 IV Spacing requirements of delineators along ramps.
- M 17 V Mandatory use of work "ONLY" with symbol.
- M 24 VI Two-way left turn lane markings.
- M 26 VI Symbol for restricted lane use.
- M 31a and b VII Yellow and double delineators for one-way roadways.
- M 37 VII Red and white barricades in non-construction and non-maintenance areas.
- M 33 VIII New alphanumeric alphabet.
- M 43 VIII Yellow traffic cones and tubular markers.
- M 44 VIII Speed measurement markings.
- M 45 VIII Delineating median crossovers.
- M 48 VIII End-of-roadway marker.

SIGNALS

- Sg 21 IV Use of two red lenses in vertical array in a stop sign beacon.
- Sg 31 IV Ramp control signals.
- Sg 32 V Warrants for freeway entrance ramp control signals (interim).
- Sg 33 V Clearly define the legal limitations of the MUTCD and to recognize the uppermost authority of state law relative to the meanings of "Signal Indications."
- Sg 37 VI Left-turn signal indications during flashing operation.
- Sg 39 VI Minimum vertical height of traffic signal faces.
- Sg 43 VI Traffic signals for one-lane two-way facilities.
- Sg 63 VI Speed limit sign beacon.
- Sg 53 VII Length of red interval in operation of draw-bridge signals.
- Sg 54 VII Location of signal instruction signs.
- Sg 69 VII Dual indication traffic signal.
- Sg 74 VII Vertical arrangement of lenses in a signal face.
- Sg 78 VII Pedestrian detectors.
- Sg 81 VII Priority control of traffic signals.
- Sg 67 VIII Traffic control devices at movable bridges.
- Sg 89 VIII Symbolic pedestrian indications.
- Sg 95 VIII Pedestrian walk interval.

CONSTRUCTION AND MAINTENANCE

- En 5 V Design of Type II barricades, drums, and flasher supports and markings thereon.
- En 6 VI Usage and coding of barricades, object markers and vertical panels.
- En 8 VI "NEXT . . . MILES" for use on road construction signs.
- En 9a VI Barricade characteristics.
- En 9b VI Warning light application.
- En 11 VI Hand held signaling devices.
- En 12 VII Reflectorized drum design.
- En 16 VII Use of orange clothing for flagmen.
- En 18 VII Nighttime flagging procedures.
- En 10 VIII Advance flagman symbol sign.
- En 13 VIII Warning signs for both men and women, worker symbol.
- En 26 VIII Advance flashing arrow panels.

RULING VOLUME SUBJECT

En 33 VIII Stronger requirements for local traffic signs.

NEW PARTS TO THE MUTCD

- Part VIII VIII Traffic control systems for railroad and highway grade crossings.
- RR 4 VIII Proper referencing of traffic control devices handbook.
- Part IX VIII Traffic controls for bicycle facilities.

The following designated rulings on the Manual on Uniform Traffic Control Devices as contained in "Official Rulings on Requests for Interpretations, Changes, and Experimentations," Volumes V, VII, and VIII published by the U. S. Department of Transportation, Federal Highway Administration, are amended and adopted as set forth hereinbelow:

Ruling Sn 134, Volume VII, "Service Signs," is adopted as published except for the following modifications:

(1) The third paragraph of Section 2D-46 of the MUTCD as revised is amended to read as follows:

General motorist service signs, if used, shall carry word legends or symbols either individually or in combination for the following services: FOOD, GAS, LODGING, CAMPING, PHONE, HOSPITAL, along with a directional legend, NEXT RIGHT, SECOND RIGHT, or the like. Intermixing of symbols and word legends shall not be permitted, although educational plaques may be used in conjunction with symbols. The International Symbol of Access for the Handicapped Sign (D9-6) may be used with or beneath REST AREA or SCENIC AREA signs where paved ramps and restroom facilities accessible to, and useable by, the physically handicapped are provided. The service signs shall have reflectorized white letters; symbols and border on a reflectorized or opaque blue background and are to be erected at a suitable distance in advance of the turnoff point or intersecting highway.

(2) The first paragraph of Section 2E-33 of the MUTCD as revised is amended to read as follows:

On rural sections of expressways where general motorist services are infrequent, service signing may be needed. In such cases, the provisions of section 2D-46 will apply, except that signs should be suitably enlarged. Letter and numeral sizes are shown in table H-1. All approved symbols shall be permitted as alternates to word messages wherever motorist services signs are used but intermixing of symbols and word legends shall not be permitted. However, educational plaques may be used in conjunction with symbols.

(3) The first full paragraph of Section 2F-32 appearing on page 161 of the MUTCD is amended to read as follows:

Only services that adequately serve the needs of the freeway motorist should be shown. Where services are not within sight of the interchange, the road authority shall repeat the service signing in smaller size, on the intersecting highways, with arrows indicating the direction to the services. Distances to services not within the immediate interchange area should be shown. All approved symbols shall be permitted as alternates to word messages wherever motorist services are used but intermixing of symbols and word legends shall not be permitted. However, educational plaques may be used in conjunction with symbols.

Ruling Sn 175, Volume VII, "Destination and Mileage Signs," is adopted as published except that the second paragraph of Section 2D-35 of the MUTCD is amended to read as follows:

On the state highway system these signs shall have a reflectorized white legend and border on a green background. Reflectorization of the green background is optional. On any particular highway, reflectorization should be consistently uniform.

Ruling Sn 176, Volume VIII, "Meaning of Signal Indications," is adopted as published except that Subparagraph 3c of Section 4B-5 as revised is amended to read as follows:

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.

Ruling Sg 64, Volume VII, "Portable Traffic Control Signals," is adopted as published except that Section 4B-4 of the MUTCD is amended to read as follows:

A portable traffic control signal must meet three physical display and operational requirements of this manual as specified in Sections 4B-7 (number of Lenses per Signal Face), 4B-13 (Height of Signal Faces), and 4B-15 (Vehicle Change Interval). A portable traffic control signal should normally not operate longer than 30 days unless associated with a construction or maintenance project, in which case it shall be removed when no longer needed on the project. It is desirable to use advance signing when employing this device. A portable traffic control signal should be used only when an engineering study so indicates.

Ruling Cn 5, Volume V, "Markings for Barricade Rails," is adopted as published except that the second paragraph of Section 6C-2 as revised is amended to read as follows:

Markings for barricade rails shall be alternate orange and white stripes and should slope downward at an angle of 45 degrees in the direction traffic is to pass.

Ruling Cn 30, Volume VIII, "Channelization," is adopted as published except that the second sentence of paragraph 1 of Section 6C-12 as revised is amended to read as follows:

Markings no longer applicable which might create confusion in the minds of vehicle operators should be removed or obliterated as soon as practicable:

and the first sentence of paragraph 2 of Section 6C-12 as revised is amended to read as follows:

Conflicting pavement markings should be obliterated to prevent confusion to vehicle operators:

There is added to the Manual on Uniform Traffic Control Devices the following rule pertaining to signing of county roads:

1-7-7 CAUTION - NO WARNING SIGNS

A sign containing the caption "CAUTION - NO WARNING SIGNS" may be used on those extremely low volume county roads as designated by resolution of the board of county commissioners pursuant to a study and recommendation from the county road engineer. To qualify for such designation a road or portion of a road shall have the following characteristics:

1. Functional classification as an access road;
2. AADT determined by the county engineer of less than 50;
3. Soil, gravel or stone surfaced.

When used, it shall be erected at the milepoint so designated by resolution as the termini, and may be erected at intermediate milepoints along the road or road section if conditions warrant:

1-7-701 NEXT MI.

A sign containing the words "NEXT MILES" shall always be used in conjunction with Sign 1-7-7 and shall be installed on the same post below Sign 1-7-7:

The designs of Signs 1-7-7 and 1-7-701 are available for public inspection at the Headquarters Office and all District offices of the Washington State Department of Transportation:

The following, supplementing paragraph 7B-12 of the Manual on Uniform Traffic Control Devices, is hereby adopted:

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 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.)

The first paragraph of Section 3B-3, "No-Passing Zone Markings," of the MUTCD is amended to read as follows:

Where center lines are installed, no-passing zone markings shall be established at vertical curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions.

Effective December 31, 1982, where center lines are installed, no-passing zone markings shall be established at horizontal curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions except: Along highway sections of almost continuous horizontal curvatures such as in mountainous terrain no-passing zone markings shall not be established at horizontal curves. Such highway sections would otherwise require almost continuous no-passing zone markings which could restrict motorists from exercising judgment that it is safe to pass a slow moving vehicle and still be in compliance with chapter 46.61 RCW.

The first sentence of Paragraph 3, Item (c), of Section 4B-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

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.

Paragraph 2 of Section 4E-9, "Meaning of Lane-use Control Indicators," of the MUTCD is amended to read as follows:

A steady YELLOW X or a flashing RED X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady RED X is displayed.

The second sentence of paragraph 3, Section 6B-3, "Position of Signs," of the MUTCD states:

Signs mounted on barricades, or temporary supports, may be at lower heights, but the bottom of the sign shall not be less than one foot above the pavement elevation.

A compliance date of December 31, 1983 is hereby established.

The following supplemental paragraph is hereby added to Section 7B-12, "School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)," of the MUTCD:

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.

The first sentence of Paragraph 3 applicable only to CIRCULAR RED or RED ARROW, of Section 7D-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

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 (1) and (2) above.

Paragraph 2 of Section 8A-1, "Functions," of the MUTCD is amended to read as follows:

With due regard for safety and for the integrity of operations by highway and railroad users, the highway agency and the railroad company are entitled to jointly occupy the right of way in the conduct of their assigned duties. This requires joint responsibility in the traffic control function between the public agency and the railroad.

There is added to the MUTCD, the following regulation pertaining to signing of county roads:

I-7-7 CAUTION - NO WARNING SIGNS

A sign containing the caption "CAUTION - NO WARNING SIGNS" may be used on those extremely low volume county roads as designated by resolution of the board of county commissioners pursuant to a study and recommendation from the county road engineer. To qualify for such designation a road or portion of a road shall have the following characteristics:

1. Functional classification as an access road.
2. AADT determined by the county engineer of less than 50.
3. Soil, gravel, or stone surfaced.

When used, it shall be erected at the milepoint so designated by resolution as the termini, and be erected at intermediate milepoints along the road or road section if conditions warrant.

I7-701 NEXT MI.

A sign containing the words "NEXT MILES" shall always be used in conjunction with Sign I-7-7 and shall be installed on the same post below Sign I-7-7.

The designs of Signs I-7-7 and I-7-701 are available for public inspection at the headquarters office and all district offices of the Washington State Department of Transportation.

WSR 80-02-111

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 83—Filed January 28, 1980]

Be it resolved by the Higher Education Personnel Board, acting at Bellevue Community College, that it does promulgate and adopt the annexed rules relating to:

- | | |
|----------------|--|
| WAC 251-06-060 | Position review. |
| WAC 251-09-090 | Special premium pay. |
| WAC 251-22-111 | Sick leave—Reporting payment—Verification. |

This action is taken pursuant to Notice No. WSR 79-12-118 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED January 17, 1980.

By Douglas E. Sayan
Director

AMENDATORY SECTION (Amending Order 74, filed 5/30/79)

WAC 251-06-060 POSITION REVIEW. (1) Whenever an employee feels that his/her position is not allocated to the proper class, the employee or his/her representative may request a position review by the personnel officer, provided:

(a) The request must be in writing and describe the work assigned and performed which is alleged to be outside the class specification, and

(b) Six months must have elapsed since the date of the employee's last request for a review of this position as provided in this section.

(2) The personnel officer will investigate the position and issue a written response to the employee or employee representative within sixty calendar days of receipt of the request. ((If the personnel officer does not approve the reallocation, the response must state the reason(s) that the position does not warrant reallocation:)) The response must include a notice to the employee that an appeal, as provided in WAC 251-06-070, may be exercised within thirty calendar days of service of the response or the effective date of the action, whichever is later. In addition the response must include either:

(a) Notification of the reason(s) the position does not warrant reallocation when the reallocation request is not approved; or

(b) Notification of the class and salary assigned when the position is reallocated. Subsequent action taken during the thirty-day appeal period which changes either the specified class or salary will constitute a new response, and written notice of such action must be given to the employee or employee representative.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78)

WAC 251-09-090 SPECIAL PREMIUM PAY. The board or the director may approve special premium pay required by the employer due to unique working conditions, employment problems such as recruitment and/or retention, or when special use requirements are necessary to maintain effective operation of the institution, as may be requested by the personnel officer of an

institution. Actions approved by the director are subject to confirmation by the board.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-22-111 SICK LEAVE—REPORTING PAYMENT—VERIFICATION. (1) Employees shall report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged.

(2) Upon returning to work, the employee may be required by the employing official to submit a written statement or medical certificate explaining the nature of the disability.

(3) Payment for sick leave due to the employee's own illness, injury, disability, exposure, or medical/dental/optical appointments (unlike sick leave for caring for family members or for bereavement or condolence) shall be excluded from the meaning of "wages" under the federal old age and survivor's insurance. For purposes of this subsection the employee shall be required to provide a medical certificate when any such personal sick leave use exceeds ten continuous work days.

WSR 80-02-112
PROPOSED RULES
BOARD OF PHARMACY
[Filed January 28, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-52-070;

that such agency will at 9:00 a.m., Thursday, March 20, 1980, in the Burien Police Station, 14905 6th Avenue S.E., Burien, WA 98166, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 20, 1980, in the Burien Police Station, 14905 6th Ave. S.E., Burien, WA 98166.

The authority under which these rules are proposed is RCW 18.64.005(11) and 18.64A.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1980, and/or orally at 9:00 a.m., Thursday, March 20, 1980, Burien Police Station, 14905 6th Ave. S.E., Burien, WA 98166.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-062 filed with the code reviser's office on November 29, 1979.

Dated: January 28, 1980
By: David C. Campbell, Jr.
Executive Secretary

AMENDATORY SECTION (Order 141, filed 12/9/77)

WAC 360-52-070 LEVEL B CERTIFICATION PROGRAMS.

(1) Training. ~~((No formal training or educational program will be required by the board, and there will be no age or educational restrictions.))~~ The supervising pharmacist shall thoroughly instruct the level

B pharmacy assistant in the limitations of the functions he may perform.

(2) Record of certifications. All pharmacies employing level B pharmacy assistants shall complete a certification application on a form approved by the board, such form to include a declaration by the applicant that he or she has never been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy, for each level B pharmacy assistant employed. The fee for certification will be included in the fee for authorization to utilize the services of pharmacy assistants.

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 80-02-113
ADOPTED RULES
BOARD OF PHARMACY
[Order 153, Resolution 1/80—Filed January 28, 1980]

Be it resolved by the Washington State Board of Pharmacy, acting at the large meeting room, Burien Public Library, 14700 6th Avenue, SW Burien, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC 360-52-060 and adding new section WAC 360-49-040.

This action is taken pursuant to Notice No. WSR 79-12-062 filed with the code reviser on November 29, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule WAC 360-49-040, is promulgated pursuant to RCW 69.41.180 which directs that the Board of Pharmacy has authority to implement the provisions of chapter 69.41 RCW.

This rule WAC 360-52-060, is promulgated under the general rule-making authority of the Board of Pharmacy as authorized in RCW 18.64.005(11) and 18.64A.030.

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

APPROVED AND ADOPTED January 28, 1980.

By David C. Campbell, Jr.
Executive Secretary

AMENDATORY SECTION (Order 141, filed 12/9/77)

WAC 360-52-060 LEVEL B PHARMACY ASSISTANTS UTILIZATION. ~~((+))~~ Level B pharmacy assistants may perform, under the general supervision of a licensed pharmacist, duties including but not limited to typing of prescription labels, filing, refiling, bookkeeping, pricing or determination of cost or charge, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

~~((2) The term "nonprofessional phone inquiry" as used in subsection 1 shall include only those phone inquiries which are not related to any aspect of the "practice of "pharmacy" as that term is defined in RCW 18.64.011(11):))~~

NEW SECTION

WAC 360-49-040 MANUFACTURERS, WHOLESALERS, DISTRIBUTORS, PHARMACY LOCATION, REQUIREMENT THAT DRUG PRODUCTS OFFERED FOR SALE COMPLY WITH 21 USC 355—IMMEDIATE SUSPENSION AND SUBSEQUENT REVOCATION OF LICENSES AUTHORIZED FOR VIOLATION. (1) In order to provide for enforcement of RCW 69.41.100 through RCW 69.41.180 and to protect the public health and safety when generic drugs are substituted for brand name drugs pursuant to chapter 110, Laws of 1979, drug products which are offered for sale by, or stored at the premises of, any manufacturer, distributor, wholesaler or pharmacy location must have an approved new drug application (NDA) or abbreviated new drug application (ANDA) designation by the Federal Food and Drug Administration pursuant to 21 USC 355 unless they are exempt from the requirements for such a designation.

(2) In order to provide for enforcement of RCW 69.41.100 through RCW 69.41.180 and to protect the public health and safety drug products offered for sale by, or stored at the premises of, a manufacturer, wholesaler, distributor or pharmacy location which do not have the required NDA or ANDA, or exemption therefrom referenced in paragraph (1) above, are hereby declared to be contraband and subject to surrender to and destruction by the Washington State Board of Pharmacy. This surrender and destruction shall take place as specified below.

(3) Upon receipt by the board of (1) a certification from the Federal Food and Drug Administration that a specific drug does not have the NDA and ANDA required by 21 USC 355 and that it is not exempt from the requirement of such a designation, and (2) an investigative report verifying that a stock of the drug product which is the subject of the certification from the Federal Food and Drug Administration is being offered for sale, or stored at the premises of, a manufacturer, wholesaler, distributor or pharmacy location within Washington State, the Board of Pharmacy shall direct such of its investigative personnel as it deems necessary to proceed to the premises of the manufacturer, wholesaler, distributor or pharmacy location and furnish to the owner, or person in charge of the premises wherein the drug products are located a copy of the FDA certification referenced above.

(4) The pharmacy Board investigative personnel shall offer the owner, or person in charge, of the premises at which the drug products are being kept the opportunity to immediately voluntarily surrender to the board all stocks of the drug products whether kept at the premises of the manufacturer, wholesaler, distributor, or pharmacy location, or at any separate storage facility under the control of the manufacturer, wholesaler, distributor or

retailer, which are contraband under subsection (2) above. A receipt shall be given to the owner, or person in charge, for all drug products voluntarily surrendered.

(5) All drug products voluntarily surrendered pursuant to subsection (4) above shall be destroyed by the Board of Pharmacy unless they are ordered returned to the manufacturer, wholesaler, distributor or pharmacy location by order of a court of competent jurisdiction. No destruction of any drug products surrendered will be accomplished until 30 days after the date of their surrender to the board.

(6) Retention of any drug products by a manufacturer, wholesaler, distributor or pharmacy location, either at their business premises or at any separate storage facility after notification of their contraband status under subsection (2) above shall constitute a direct and immediate danger to the public health and safety and will be good and sufficient cause for the immediate summary suspension and subsequent revocation of any license issued by the Board of Pharmacy to the manufacturer, wholesaler, distributor or pharmacy location and will also constitute good and sufficient cause for revocation of any license issued by the Board of Pharmacy to the owner of any manufacturer, wholesaler, distributor or pharmacy location or any person in charge thereof who knowingly retains any drug products which are contraband under subsection (2) above after notification of their status.

WSR 80-02-114

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Registered Sanitarians)

[Order PL 334, Resolution 1/80—Filed January 28, 1980]

Be it resolved by the Washington State Board of Registered Sanitarians acting at 6th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

WAC 308-122-040 Application for registration—Process.
WAC 308-122-050 Registered sanitarians—Written examination.

This action is taken pursuant to Notice No. WSR 79-12-051 filed with the code reviser on 11/26/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Registered Sanitarians as authorized in RCW 18.90.020(2).

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

APPROVED AND ADOPTED January 28, 1980.

By Yvonne Braeme
Executive Secretary

NEW SECTION

WAC 308-122-040 APPLICATION FOR REGISTRATION—PROCESS. To be eligible to take any particular written examination, an applicant must file his or her application with the Department of Licensing not less than sixty (60) days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in August of each year.

NEW SECTION

WAC 308-122-050 REGISTERED SANITARIANS – WRITTEN EXAMINATION. Written examination requirements: The written examination that is used in the State of Washington is the examination for registration of sanitarians. The examination consists of approximately 200 objective multiple choice questions and covers the following subject matters:

1. Air and Water Quality Management
2. Liquid Waste Disposal
3. Solid Waste Disposal
4. Radiation
5. Noise
6. Land Use
7. Environmental Chemicals
8. Environmental Safety
9. Housing and Institutional Care
10. Population/Environmental Demands
11. Food Protection
12. Vector Controls
13. Administration

The applicant must satisfactorily pass the written examination acceptable to and approved for use by the board under the provisions of RCW 18.90.020. A passing score is 70 percent. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year at a location within the state as determined by the director.

A notification will be sent to each examination applicant at least fifteen (15) days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he shall forfeit the examination fee unless he has notified the Division of Professional Licensing of his inability to appear for the scheduled examination at least five (5) days before the designated date.

WSR 80-02-115**EMERGENCY RULES****INSURANCE COMMISSIONER**

[Order R 80-1—Filed January 28, 1980]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the establishment of a staggered system to determine renewal dates for licenses of agents, brokers, solicitors and adjusters; and establishing appointment procedures and renewal dates for agents.

I, Dick Marquardt, Insurance Commissioner, 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 that conversion to a staggered licensing system, to be fair and effective as to all licenses in 1980, requires that such system be established by April 1, 1980, because approximately 7,000 licenses must be renewed as of that date. Permanent rules cannot be made effective by that date.

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

This rule is promulgated pursuant to RCW 48.02.060 and section 10 of chapter 269, Laws of 1979 1st ex. sess. which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.17.160 and 48.17.500, as amended by sections 2 and 6 of chapter 269, Laws of 1979 1st ex. sess.

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

APPROVED AND ADOPTED January 24, 1980.

By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-17-400 STAGGERED LICENSING FOR INSURANCE AGENTS, BROKERS, SOLICITORS AND ADJUSTERS—CONVERSION OF CURRENT LICENSES—ASSIGNMENT OF RENEWAL DATE FOR NEW LICENSES. *The licensing of insurance agents, brokers, solicitors and adjusters in Washington shall be converted to a staggered licensing system as follows:*

(1) *Those licenses expiring on March 31, 1980 shall be renewable for six months and shall expire on September 30, 1980.*

(2) *New licenses issued on or after April 1, 1980 and before October 1, 1980 shall be valid until September 30, 1980.*

(3) *All licenses then outstanding will expire on September 30, 1980, as provided by subsections 1 and 2 above. In the case of licenses issued to individuals, such*

licenses will be renewed for a period ending with the individual licensee's second birthday anniversary occurring after September 30, 1980. In the case of firms or corporations, the license will be renewed for a period ending with the firm or corporation's second renewal date occurring after September 30, 1980. Such renewal dates are assigned by the Office of the Insurance Commissioner. Thereafter, all licenses will be renewed for a period of one year from their termination date.

(4) New licenses issued on or after October 1, 1980, will be valid for a period ending with the licensee's first birthday anniversary after the initial issue date in the case of individuals, and for a period ending with the first renewal date after the initial issue date in the case of firms or corporations. Thereafter, such licenses will be renewed as provided by subsection 3 above.

(5) During the conversion to a staggered system of license renewals, fees shall be prorated on the basis of 1/12th the annual renewal fee for each month or fraction thereof for the term for which the license is being renewed.

NEW SECTION

WAC 284-17-410 STAGGERED APPOINTMENT PROCEDURES FOR INSURANCE AGENTS. The appointment of insurance agents by insurers in Washington shall be converted to a staggered system as follows:

(1) Effective March 31, 1980, the appointments of all insurance agents expire and shall be renewable for six months to expire as of September 30, 1980.

(2) Appointments of insurance agents that are newly made between March 31, and September 30, 1980 shall also expire on September 30, 1980.

(3) New and renewal appointments that are made on and after October 1, 1980 shall be valid for a period ending with the insurer's first renewal date after the initial issue date. Such renewal date is assigned by the Office of the Insurance Commissioner. Thereafter, all appointments will be renewed for a period of one year from their termination date.

(4) During the conversion to a staggered system of appointment renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the appointment is being made or renewed.

NEW SECTION

WAC 284-17-420 APPOINTMENT PROCEDURES FOR LICENSED PERSONS EMPOWERED TO EXERCISE THE AUTHORITY CONFERRED TO A CORPORATE OR FIRM LICENSEE—CONVERSION TO A STAGGERED SYSTEM OF RENEWALS. (1) Each firm or corporation licensed as an insurance agent must be appointed by an insurer or insurers as required by RCW 48.17.160 as a prerequisite to the sale of insurance: **PROVIDED, That individual licensees who are empowered to exercise the authority conferred by the corporate or firm license need not be individually appointed by insurers.**

(2) Effective April 1, 1980, all firms or corporations licensed as an agent, adjuster or broker shall notify the

Office of the Insurance Commissioner of all persons who are empowered to exercise the authority conferred by the firm or corporate license. For purposes of this section, such persons shall be defined as "affiliated" with the licensed firm or corporation. The notice of affiliation shall expire on September 30, 1980. Notice of new affiliations made between April 1, 1980 and September 30, 1980 shall also expire on September 30, 1980.

(3) On and after October 1, 1980, the notice of affiliations by a licensed firm or corporation shall be valid until the first affiliation renewal date established by the Office of the Insurance Commissioner for the firm or corporation. Each firm or corporation shall annually pay the affiliation renewal fee which shall be the same as the agent appointment renewal fee. Thereafter, each affiliation will be renewed for a period of one year from its termination date.

(4) During the conversion to a staggered system of affiliation renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the affiliation is being made or renewed.

**WSR 80-02-116
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Order 80-1—Filed January 29, 1980]**

Be it resolved by the Public Employment Relations Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Collective bargaining rules—Public employees, chapter 391-21 WAC. Specifically WAC 391-21-700, et seq. relating to uniformed employees.

We, the Public Employment Relations Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to implement the provisions of chapter 184, Laws of 1979 ex. sess. (SB 2852).

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

This rule is promulgated pursuant to RCW 41.58.050 and 41.56.090 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Public Employment Relations Commission as authorized in RCW 41.58.050.

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

APPROVED AND ADOPTED January 18, 1980.

By Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-700 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION. (~~if, following bilateral collective bargaining negotiations, a party or the parties jointly feel that their sincere efforts towards reaching a collective bargaining agreement will not produce that result or resolve their differences, either party or the parties jointly may request from the commission assistance for the settlement of such dispute through mediation.~~) A request for mediation may be made in writing or by telephone, but shall be confirmed in writing if made by telephone. The party or parties requesting mediation shall provide the following information to the agency:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations(-);

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) The name and address of the association or other organization, if any, filing the request on behalf of the employer or exclusive representative seeking mediation;

(4) (~~A declaration that an impasse has been reached in collective bargaining;~~

(5)) A clear and concise statement of the disputed issues and the parties' positions in relation thereto;

((6)) (5) A description of the size and composition of the bargaining unit involved;

((7)) (6) The expiration date of any collective bargaining agreement then in effect or recently expired;

((8)) (7) Any other relevant information; and

((9)) (8) The name, signature, and capacity of each officer, attorney, or other individual acting for the filing party or parties.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-702 IMPASSE RESOLUTION—DETERMINATION WHETHER ASSISTANCE IS NEEDED. Upon filing of a (~~unilateral~~) request for mediation, the executive director shall (~~determine the position of the party other than the party making the request. If it appears that the assistance of the agency is needed, the executive director shall~~) appoint a mediator from the list of qualified persons maintained by the commission for that purpose. If the parties have (~~filed a stipulation listing~~) stipulated the names of one or more persons who are acceptable to both parties as mediator, then the executive director shall(~~consistent with the availability of such individual, attempt to conform to the express desires of the parties~~) consider their desires.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-708 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION. (~~Any~~) Information disclosed by the parties to the mediator in confidence during the course of mediation (~~proceedings~~) shall not be divulged (~~unless such disclosure is approved by the party which originated the confidential disclosure to~~) by the mediator. Mediation meetings shall be of an executive, private or nonpublic nature (~~except if otherwise mutually agreed by the parties or their representatives~~).

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-712 IMPASSE RESOLUTION—(~~PANEL OF NEUTRALS~~) DISPUTE RESOLUTION PANEL. The commission shall establish and maintain a panel of qualified individuals (~~for selection or appointment as fact-finder or interest arbitrator~~), and shall make a (~~listing~~) list of (~~the~~) members of that panel available to parties (~~engaged in fact-finding proceedings~~) for their use in selecting (~~a fact-finder~~) a neutral chairman for an arbitration panel, grievance arbitrators, fact-finders and ad hoc interest arbitrators. Any (~~qualified neutral~~) person may apply for membership on the panel and, upon acceptance by the agency, shall be placed under contract pursuant to RCW 39.29.010. (~~No person not~~) Only persons listed on the panel (~~shall~~) will be compensated by the agency as a (~~fact-finder or interest arbitrator, and~~) neutral chairman pursuant to RCW 41.56.450 and WAC 391-21-737. Parties desiring to employ (~~the services of a fact-finder or interest arbitrator~~) a neutral chairman not listed on the commission's panel shall do so (~~under their own procedures~~) as provided in RCW 41.56.450 and at their own expense.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-716 (~~UNIFORMED PERSON-NEE~~) IMPASSE RESOLUTION—DISCLOSURE. Prior to accepting the appointment, or as soon thereafter as information giving rise to a problem of appearance of fairness becomes known (~~to the fact-finder, the fact-finder~~), a person serving in an impartial capacity in a dispute resolution proceeding under the jurisdiction of the commission shall disclose to the parties and to the executive director any circumstances likely to create (~~a presumption~~) an appearance of bias or which might disqualify (~~the person selected or appointed as an~~) him or her from serving in the impartial (~~fact-finder~~) capacity. Employment of the person or any member of his or her immediate family by any party shall be disqualifying. Each party to the proceeding shall immediately notify the executive director and the (~~fact-finder~~) appointee or selectee whether it is willing to waive (~~pre-~~sumptive) disqualification. If either party declines to waive the (~~presumptive~~) disqualification, the appointment (~~of the fact-finder~~) shall be vacated (~~and the vacancy thus created shall be filled in the same manner~~

~~as that governing the making of an original appointment)).~~

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

~~WAC 391-21-718 ((UNIFORMED PERSONNEL)) IMPASSE RESOLUTION—VACANCIES. If any ((fact-finder)) person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission should resign, die, withdraw, refuse or be unable to serve, or ((if)) should be or become disqualified to perform the duties of the office, the ((commission shall, upon proof satisfactory to it,)) executive director shall declare the office vacant. ((Vacancies)) The vacancy shall be filled ((in the same manner as that governing the making of the original appointment)) as provided in these rules.~~

NEW SECTION

WAC 391-21-719 UNIFORMED PERSONNEL—INTEREST ARBITRATION. If a dispute involving uniformed personnel has not been settled after a reasonable period of mediation and the mediator is of the opinion that his or her further efforts will not result in an agreement, the mediator shall notify the parties of intent to recommend that the remaining issues in dispute be submitted to arbitration. If the dispute remains unresolved, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator and any statements of position filed by the parties as to the existence of an impasse warranting arbitration. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, written notice shall be given to both parties.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

~~WAC 391-21-720 ((UNIFORMED PERSONNEL—LIST OF ISSUES FOR FACT-FINDING. At least three days before the date of the fact-finding hearing, each party shall submit to the fact-finder and to the other party a written list of the issues it intends to submit to fact-finding.)) UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS. Within five days following the issuance of the notice by the executive director, each party shall name one person who is available and willing to serve as its member of the arbitration panel, and shall notify the opposite party and the executive director of the name, address and telephone number of the person so designated. The members so appointed shall proceed as provided in RCW 41.56.450.~~

NEW SECTION

WAC 391-21-721 UNIFORMED PERSONNEL—SELECTION OF IMPARTIAL ARBITRATOR. (1) If the appointed members are able to reach

agreement on the selection of a neutral chairman, they shall obtain a commitment from that person to serve, and shall notify the executive director of the identity of the neutral chairman so selected.

(2) If the appointed members agree to have the commission appoint a neutral chairman, they shall file with the executive director a written joint request. The parties and the appointed members are not entitled to influence the designation of an arbitrator under this subsection and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the neutral chairman to be appointed by the commission. Upon the filing of a request in proper form in compliance with this subsection, the executive director shall appoint a neutral chairman from the dispute resolution panel.

(3) If the appointed members desire to select a neutral chairman from a panel of arbitrators, they shall attempt to agree as to which of the agencies designated in RCW 41.56.450 will supply the list of arbitrators from which the neutral chairman will be selected. If the appointed members are unable to agree within five days following their first meeting as to which agency is to supply the list of arbitrators, either of them may apply to the executive director for a list of available neutral chairmen other than agency staff members and the neutral chairman shall be selected from the commission's dispute resolution panel. If the choice of agency has been agreed, either party or the parties jointly shall proceed forthwith to request a panel of five arbitrators, specifying "for interest arbitration proceedings under RCW 41.56.450." The selection of the impartial arbitrator shall be made pursuant to the rules of the agency supplying the list of arbitrators and the parties shall notify the executive director of the identity of the arbitrator so selected.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

~~WAC 391-21-722 ((UNIFORMED PERSONNEL—HEARING. The fact-finder shall fix the time and place of each hearing. Any party may be represented by counsel or by other authorized representative. The fact-finding hearing shall be open to the public unless otherwise mutually agreed to by the parties. The fact-finder, for good cause shown, may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may provide, by written agreement, for the waiver of oral hearing.)) UNIFORMED PERSONNEL—LIST OF ISSUES FOR ARBITRATION. At least five days before the date of the hearing, each party shall submit to the members of the panel and to the other party a written list of the issues it intends to submit to arbitration.~~

NEW SECTION

WAC 391-21-723 UNIFORMED PERSONNEL—HEARING. For good cause shown, the neutral chairman may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-724 UNIFORMED PERSONNEL—ORDER OF PROCEEDINGS AND EVIDENCE. (~~The order of presentation at the hearing shall be as mutually agreed between the parties or as determined by the fact-finder. The parties may offer such evidence as they desire and shall produce such additional evidence as the fact-finder may deem necessary to an understanding and determination of the dispute.~~) The ((fact-finder)) neutral chairman shall be the judge of the relevancy ((and materiality)) of the evidence ((offered)). All evidence shall be taken in the presence of all ((of the)) parties, ((except where any of the parties)) unless a party is absent in default or has waived ((his)) its right to be present. Each documentary exhibit ((introduced by a party)) shall be filed with the ((fact-finder)) neutral chairman and ((a copy)) copies shall be provided to the appointed members and to the other ((party)) parties. The exhibits ((filed with the fact-finder)) shall be retained by the ((fact-finder unless the parties otherwise agree, or unless the fact-finder otherwise permits)) neutral chairman until an agreement has been signed or until any judicial review proceedings have been concluded, after which they may be disposed of as agreed by the parties or as ordered by the neutral chairman.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-726 UNIFORMED PERSONNEL—PROCEEDINGS IN THE ABSENCE OF A PARTY. The ((fact-finder)) neutral chairman may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and ((recommendations)) the determination of the issues in dispute shall not be made solely on the default of a party, and the ((fact-finder)) neutral chairman shall require the ((other)) participating party to submit such evidence as ((he)) may ((require)) be required for ((the)) making of the findings of fact and ((recommendations)) determining the issues.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-728 UNIFORMED PERSONNEL—CLOSING OF THE HEARINGS. The ((fact-finder)) neutral chairman shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of brief within agreed time limits. ((If the fact-finder allows the filing of post-hearing briefs or other documents, the hearing shall be deemed closed as of the final date set by the fact-finder for the filing of such briefs or other documents. The hearings may be reopened by the fact-finder on his or her own motion, or on the motion of either party for good cause shown, at any time before the findings of fact and recommendations are made, but if the reopening of the hearing would prevent the making of the findings of fact and recommendations within the

specific time provided by law, the matter may not be reopened, unless both parties agree upon an extension of such time limit.)

NEW SECTION

WAC 391-21-733 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS. Proceedings shall be conducted as provided in WAC 391-21-716 through 391-21-737.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-734 UNIFORMED PERSONNEL—INTERPRETATION AND APPLICATION OF RULES. The ((fact-finder)) neutral chairman shall interpret and apply these rules insofar as they relate to the powers and duties of the ((fact-finder)) neutral chairman. Any party who proceeds with ((fact-finding)) arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

NEW SECTION

WAC 391-21-735 UNIFORMED PERSONNEL—INTEREST ARBITRATION AWARD. The determination of the neutral chairman shall be controlling, and shall not require concurrence, but may be accompanied by the concurring and/or dissenting opinions of the appointed members. Such determinations shall not be subject to review by the commission.

NEW SECTION

WAC 391-21-737 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION. Each party shall pay the expenses of presenting its own case and the expenses and fees of its member of the arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expense of a neutral chairman appointed pursuant to WAC 391-21-721(1) or (3), along with any costs for lists of arbitrators and for recording of the proceedings, shall be shared equally between the parties. The fees and traveling expense of a neutral chairman appointed by the commission pursuant to WAC 391-21-721(2), along with the costs of tapes for a tape recording of the proceedings but not a transcription thereof or the services of a court reporter, shall be paid by the commission.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-738 UNIFORMED PERSONNEL—CENTRAL FILING OF AGREEMENTS. The parties to ((each)) collective bargaining agreement s ((made and)) entered into as a result of collective bargaining pursuant to RCW 41.56.440 or 41.56.450 shall ((; regardless of any prior intervention by the agency or lack thereof.)) file with the executive director two complete copies of their agreement ((for retention in the files of the agency and research purpose)).

REPEALER

The following sections of the Washington Administrative Code are repealed as follows:

- (1) WAC 391-21-740 UNIFORMED PERSONNEL—INITIATION OF FACT-FINDING.
- (2) WAC 391-21-742 UNIFORMED PERSONNEL—SELECTION OF FACT-FINDER.
- (3) WAC 391-21-744 UNIFORMED PERSONNEL—FACT-FINDING RECOMMENDATIONS.
- (4) WAC 391-21-746 UNIFORMED PERSONNEL—EXPENSES OF FACT-FINDING.
- (5) WAC 391-21-748 UNIFORMED PERSONNEL—PARTIES RESPONSIBILITY AFTER FACT-FINDING.
- (6) WAC 391-21-750 UNIFORMED PERSONNEL—INTEREST ARBITRATION.
- (7) WAC 391-21-752 UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS.
- (8) WAC 391-21-754 UNIFORMED PERSONNEL—SELECTION OF ARBITRATORS.
- (9) WAC 391-21-756 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.
- (10) WAC 391-21-758 IMPASSE RESOLUTION—INTEREST ARBITRATION AWARD.
- (11) WAC 391-21-760 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION.

WSR 80-02-117

**NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**
[Memorandum—January 25, 1980]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn at Sea-Tac, beginning at 9:30 a.m. on Thursday, February 14, 1980. The hospitals scheduled for informal hearing have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission's office and is available for inspection.

WSR 80-02-118

**EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Public Assistance)
[Order 1483—Filed January 29, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to

individual and family grant program, amending chapter 388-53 WAC.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement federal requirements which are already in effect.

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

This rule is promulgated pursuant to RCW 38.52.030 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) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 28, 1980.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-010 PURPOSE. The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the individual and family grant program subsequent to a major disaster declaration by the president. The governor of Washington has designated the state department of emergency services as the responsible state coordinating agency. The department of social and health services by agreement, (~~will~~) shall administer the individual and family grant program in Washington. These rules shall be effective December 31, 1979 when the president declared a major disaster in Washington state.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-020 DEFINITIONS. (1) "Secretary" shall mean the secretary of the department of social and health services. (~~"Director" is the director of the department of emergency services.~~)

(2) (~~"Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.~~) "Director" may mean the director of the department of emergency services or the bureau of income maintenance, depending upon the context in which it is used in the rules.

(3) (~~"Act" shall mean chapter 113, Laws of 1975, 1st ex. sess.;~~) "Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.

(4) (~~"Administrative plan" is the individual and family grant program.~~) "Act" shall mean chapter 38.52 RCW.

(5) (~~"Necessary expense" means the cost of an item or service essential to an individual or family to mitigate~~

~~or overcome an adverse condition caused by a major disaster:))~~ "Major disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(6) "Serious need" means a requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster.

(7) "Family" means a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(8) "Individual" means a person who is not a member of a family as defined in subsection (7).

(9) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(10) "Federal coordinating officer" (FCO) means the person appointed by the administrator, ~~((FDDA))~~ FEMA, to coordinate federal assistance in a major disaster.

(11) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

(12) "Grant coordinating officer" (GCO) means the director of the bureau of income maintenance who is responsible for the management of the IFG program.

(13) "Administrative panel" means a group consisting of three representatives from the department of social and health services ((and the department of emergency services, that)), agreed to and approved by the GCO, which determines eligibility for a grant and grant amount.

(14) "Reconsideration appeal" means the redetermination of eligibility by the GCO or his/her designee for the IFG applicant who protests the decision of the administrative panel.

(15) "FEMA" means the Federal Emergency Management Agency.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-030 AUTHORIZATION OF PROGRAM. The program is authorized by Public Law 93-288 (the Disaster Relief Act of 1974) and Federal Disaster Assistance ~~((Administration))~~ Regulations 24 CFR 2205. Section 408 of Public Law 93-288 provides for grants to individuals and families, who as a result of a presidentially declared major disaster, are unable to

meet disaster-related "necessary expenses" or "serious needs" up to \$5,000.00. Chapter ~~((113, Laws of 1975, 1st ex. sess.))~~ 38.52 RCW places responsibility for determining eligibility standards for grants to individuals and families with the department of social and health services.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-040 ADMINISTRATIVE PROCEDURES. The ~~((SCO will))~~ GCO shall be the governor's authorized representative for the implementation of the individual and family grant program.

(1) The state department of emergency services has been designated by the governor as the responsible state coordinating agency to administer the provisions of the Federal Disaster Laws. Public Law 93-288, Section 408 provides for grants to individuals and families up to \$5,000.00 - 75% federal and 25% state funds.

(2) The department of ~~((emergency services, acting as the designated responsible state coordinating agency, will))~~ social and health services as the state administrator of the IFG program shall arrange for the state share (25%) of funding and secure the 75% federal matching in conformity with Public Law 93-288.

(3) The department of ~~((emergency))~~ social and health services shall be responsible for preparing the governor's request for an advance of the state's share of funds in accordance with Section 2205.48 (h), Advance of State Share, Federal Disaster Assistance ~~((Administration, Department of Housing and Urban Development))~~ Rules and Regulations, May 28, 1975.

(4) The department of social and health services has been requested by the department of emergency services to administer the individual and family grant program (Section ~~((308))~~ 408, Public Law 93-288). Chapter ~~((113, Laws of 1975, 1st ex. sess.))~~ 38.52 RCW makes the department of social and health services responsible for establishing eligibility standards for applicants for assistance under the grant program.

(5) The department of social and health services shall receive the maximum allowance of 3% for administration of the program as set out in Section ~~((308))~~ 408, Item (d) 14, Public Law 93-288.

(6) Upon the declaration of a major disaster, the state coordinating officer, department of emergency services and the ~~((emergency welfare planning and continuity office (emergency welfare coordinator)))~~ bureau of income maintenance, department of social and health services, shall coordinate the necessary actions to place in operation the provisions and administrative policies and procedures for grants to individuals and families.

(7) The media ~~((will))~~ shall be used widely to notify potential applicants of methods and procedures for application during and after the disasters, and appropriate outreach services ~~((will))~~ shall be provided by the department of social and health services or welfare-related agencies, civic or church groups normally providing such service in the area.

(8) The program ~~((will))~~ shall be administered in conformity with provisions of Sections 2205.13, 2205.15,

2205.18 and Subpart E of Section 2205.48 of Federal Disaster Assistance Regulations, May 28, 1975.

(9) Eligibility criteria ~~((with))~~ shall conform to Section 2205.48(c) and such requirements as the department of social and health services may require not inconsistent with the provision in the above listed sections of the federal regulations.

(10) The SCO ~~((with))~~ shall maintain close coordination with the FCO and provide him with such reports as he may require.

(11) The GCO shall maintain close coordination with the SCO.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-050 ELIGIBILITY FOR GRANTS.

(1) General. In order to qualify for a grant under this section, an individual or family representative must certify:

(a) That application has been made to other available governmental programs for assistance to meet a necessary expense or serious need and that neither he nor they have been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need.

(b) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means.

(c) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the state that part of the grant for which financial assistance from other means has been received.

(d) That should the individual or family receive a grant, he/she/they shall be required to show proof of purchase of all items as specified in the grant award. The individual or family shall refund to the state any part of the grant which has not been expended for those eligible items specified in the grant award.

(e) That individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within the state in which the major disaster had been declared.

~~((f))~~ (f) That individuals or families otherwise eligible for assistance under this section must obtain flood insurance, as required by ((Subpart E of FDAA)) Federal Disaster Assistance Regulations 24 CFR 2205.48(c)(iv).

~~((g))~~ (g) That application must be filed within 60 days following the date on which the major disaster was declared except as follows:

Applications filed after the 60 day filing period, but within 90 days following the date on which the major disaster was declared ~~((with))~~ shall be reviewed by the secretary of the department of social and health services or his/her designee to determine whether the late filing

was the result of extenuating circumstances or conditions beyond the control of the individual or family. If it is determined that good cause existed for late filing, the application ~~((with))~~ shall be accepted. If such determination cannot be made, the application ~~((with))~~ shall be rejected.

~~((g)) Farmers, ranchers, and persons engaged in agriculture who are qualified to apply to the farmers home administration (FmHA), must submit proof of the denial of such loan assistance from the FmHA before they may be considered eligible for a grant under this section. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's emergency loan program.))~~

(h) Farmers, ranchers and persons engaged in agriculture or aquaculture who are qualified to apply to the Farmer's Home Administration (FHA) or the Small Business Administration (SBA), must submit proof of the denial of such loan assistance from the FHA and/or the SBA before they may be considered eligible for a grant under this section. If applicants have been denied loan assistance because, in FHA's or SBA's determination, they are able to obtain necessary credit from other sources, they shall be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FHA's or SBA's emergency loan program.

(2) Eligible categories.

Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services in the categories set forth below:

(a) Medical or dental.

(b) Housing. With respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:

(i) Repair, replace, rebuild((-)),

(ii) provide access,

(iii) clean or make sanitary, or

(iv) remove debris from such residences. Any debris removal ((with)) shall be limited to the minimum required to remove health hazards or protect against additional damage to the residence.

(v) provide minimum protective measures required to protect such residences against the immediate threat of damage.

(vi) move mobile homes to prevent and/or reduce the immediate threat of damage.

(c) Personal property.

(i) Clothing.

(ii) Household items, furnishings, or appliances.

(iii) Tools, specialized or protective clothing or equipment which are essential to or a condition of a wage earner's employment.

(iv) Repair, clean, or sanitize, any eligible personal property item.

(v) Move and store to prevent or reduce the immediate threat of damage.

(d) Transportation.

(i) Grants may be authorized to provide transportation by public conveyance provided that the requirement for this transportation was the direct result of the disaster.

(ii) Grants may be authorized to repair, replace or provide private transportation, if the loss or requirement for this transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable.

(e) Funeral expenses. Grants for funeral expenses will be based on minimum expenditures for interment or cremation.

(f) Rental accommodations to include motel, hotel, and other temporary accommodations.

(3) Ineligible categories.

Assistance ((with)) shall not be made available for any item or service in the following categories.

(a) Business losses, including farm businesses.

(b) Improvements or additions to real or personal property.

(c) Landscaping.

(d) Real or personal property used exclusively for recreation.

(e) Financial obligations incurred prior to the disaster.

(f) Any necessary expense or serious need or portion thereof for which assistance was available from other means but was refused by the individual or family.

(4) Other categories. Should the state determine that an individual or family has an expense or need not specifically identified as eligible, the state shall provide a factual summary to the regional director, ((FDAA)) FEMA, and request a determination.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-070 EXPENDITURES AND PAYMENTS. (1) Grant payments ((with)) shall be processed by means of state form A-19 (invoice voucher) appropriately coded to identify the charges to individuals and family grant program. Each voucher ((with)) shall be supported by attaching a copy of the approved grant application. The original approved grant application and a copy of the payment voucher ((with)) shall be filed in the case record folder.

(2) Vouchers ((with)) shall be transmitted to the central disbursements section daily through the usual transmittal procedures. Separate voucher transmittals ((with)) shall be made for individual and family grant program payments in order to ((expediate [expedite])) expedite priority processing of the payments.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-080 ORGANIZATION AND FUNCTIONS. All state agencies charged with responsibilities under this plan will insure compliance with Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the ((FDAA)) federal disaster assistance regulations.

(1) Notifying potential applicants. The secretary of the department of social and health services shall publicize the availability of the IFG program to potential applicants by:

(a) ~~Coordinating ((PIO activities with other agencies and the FCO))~~ Public Information Office activities with other agencies and the FCO,

(b) providing news releases to local and state newspapers, radio and television stations;

(c) notifying local governments, private welfare and welfare related agencies, civic and church groups; and

(d) establishing outreach programs.

(2) Establishing application centers.

The secretary of social and health services ((with)) shall staff the federal/state disaster assistance centers (DAC) for the purpose of accepting grant applications. Subsequent to the closing of the DAC's the secretary of social and health services will provide other locations for the purpose of accepting applications. In determining suitable locations, consideration should be given to:

(a) The location of disaster victims and their proximity to local state offices, and

(b) the number of disaster victims the office might be required to serve.

(3) Interviewing applicants, receiving grant applications.

(a) The secretary of social and health services ((with)) shall be responsible for interviewing applicants, receiving applications, and establishing case files. Applications ((with)) shall be taken for sixty days following a major disaster declaration from any disaster victim desiring to apply for grant assistance. The interviewer ((with)) shall fully explain the scope and purpose of the program to each applicant and will ensure that each applicant clearly identifies on his or her application the specific needs or expenses for which he or she is seeking assistance. It ((with)) shall also be clearly explained to the applicant that any approved grant ((with)) shall be used for the specific identified disaster related serious needs or expenses.

(b) An application ((with)) shall not be considered complete without the disclosure statement being signed.

(4) Verifying necessary expenses or serious needs.

(a) The secretary of social and health services ((with)) shall be responsible for verification of the necessary expenses and serious needs for which grant assistance has been requested. A field trip(s) will be made by a verifier as required, to verify the serious needs or necessary expenses for which grant assistance has been requested.

(b) The verifier ((with)) shall categorize the serious needs and necessary expenses into eligible categories and attach the necessary documentation to the verification form. The verification form ((with)) shall be attached to the application and ((with)) shall become a part of the case file.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-090 ADMINISTRATIVE PANEL.

(1) An administrative panel will review each application

and determine eligibility and grant amounts. All determinations shall be made in accordance with the eligibility criteria of Section VII of the state plan and Attachment F, Guidance in Determining Grant Amounts.

(2) ~~The Administrative Panel, consisting of ((two)) three representatives of the department of social and health services ((and one representative))~~ agreed to and appointed by the ((director of the department of emergency services (SCO), with)) GCO, shall review each application and determine eligibility and grant amounts.

(3) The administrative panel shall send each applicant written notice of their determination of the applicant's eligibility and, if eligible, grant amount.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-100 ((APPEALS. The applicant may appeal any approval or denial decision of the grant application. In all cases, the approval/disapproval letter will inform the applicant of the right to appeal the decision to the appeals panel of the department of social and health services. Appeals must be made within 20 calendar days of receipt of the letter by the applicant.)) APPEAL PROCESS—GCO RECONSIDERATION—STATE APPEAL PANEL. (1) An applicant who is dissatisfied with the administrative panel's determination of his/her eligibility and/or grant amount may request a Reconsideration and Oral Hearing. A request for a Reconsideration and Oral Hearing shall be in writing and must state the reasons for the appellant's dissatisfaction with the administrative panel's determination. The appellant must mail a request for Reconsideration and Oral Hearing as soon as possible not to exceed 15 days from receipt of the administrative panel's determination by certified mail to: Chief, Office of Hearings, P.O. Box 2465, Olympia, WA 98504.

(2) When an applicant has requested a Reconsideration and Oral Hearing, the GCO or designee shall examine the appellant's file and any additional information received or presented for review of the administrative panel's determination. The GCO or designee shall make a decision affirming, modifying, or reversing the administrative panel's decision and mail the written decision to the appellant within 15 days of the GCO's receipt of the appeal; this period may be extended if both the appellant and the GCO agree. If the appellant is satisfied with the GCO or designee's decision he/she should withdraw the request for an oral hearing.

(3) Unless the appellant withdraws his/her request for an oral hearing the hearing will be conducted and decided by the secretary's designee, the state appeal panel.

(4) The state appeal panel hearing shall be conducted in accordance with chapter 388-08 WAC.

(5) The state appeal panel shall consist of three hearings examiners selected by the Chief, Office of Hearings. One of the panel members shall preside at the hearing. A majority of the members shall render the final decision.

(6) The state appeal panel shall render their decision within 60 days of their receipt of the request for hearing.

The decision rendering time shall be extended by continuances assented to or delays caused by an appellant.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-120 ADMINISTRATIVE PLAN REVIEW. The director of the department of emergency services and the secretary of the department of social and health services ((with)) shall review, in coordination with the ((FDAA)) FEMA regional director, the state administrative plan for the individual and family grant program every January to insure compliance with state and federal laws and regulations and other ((FDAA)) FEMA program guidance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-53-110 STATE APPEAL PANEL.

**WSR 80-02-119
EMERGENCY RULES
GAMBLING COMMISSION
[Order 97—Filed January 29, 1980]**

Be it resolved by the Washington State Gambling Commission, acting at Everett, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-140.

We, the Washington State Gambling Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Washington State Gambling Commission has denied several applications for a card room employee's license. Due to a loophole in current regulations, these people still continue to be employed in social card rooms throughout the state of Washington. In order to protect the public's safety and welfare, it is necessary to close that loophole through emergency action.

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

This rule is promulgated pursuant to RCW 9.46.070(16) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 10, 1980.

By Fred E. Haggard
Chairman

AMENDATORY SECTION (Amending Order No. 91, filed 8-14-79)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for such a license, he or she has properly applied for such license. If there has been such a previous denial, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours [or actually deposited in the United States mail properly addressed to the commission].

PROVIDED, that the requirements of this section shall not apply to person employed in a public card room operating under a class B or class D license only.

A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the original application for license of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

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

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

WSR 80-02-120
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1484—Filed January 30, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt

at Olympia, Washington, the annexed rules relating to Funding formula—Mental health, amending WAC 275-25-770.

This action is taken pursuant to Notice No. WSR 79-12-094 filed with the code reviser on 12/4/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.54.040 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of RCW 71.24.030.

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

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1322, filed 7/28/78)

WAC 275-25-770 FUNDING FORMULA—MENTAL HEALTH. The annual allocation of funds to counties shall be based on the following criteria:

(1) The department may withhold up to ten percent of allocated funds to provide funding for new programs, for state-wide priority programs, and for emergency needs.

(2) Each county or federally designated catchment area, whichever is smaller, shall be guaranteed ((fifteen)) fifty thousand dollars for ((basic)) mental health ((services)) staffing requirements, subject to the availability of state and federal funds.

(3) The remainder of the funds shall be distributed ~~((on a county))~~ to the counties on a per capita basis ~~((; provided that, no county will receive less moneys than it received in calendar year 1976 subject to the availability of funds))~~.

(4) Funds for the administration of the Involuntary Treatment Act shall be disbursed to the counties under a contract separate from the mental health ~~((drug treatment))~~ general award. This requirement can be waived at the request of any county.

WSR 80-02-121
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 30, 1980]

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 individual and family grant program, amending chapter 388-53 WAC.

It is the intention of secretary to adopt these rules on an emergency basis prior to the hearing.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mail Stop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 27, 1980. The meeting date is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, March 12, 1980, 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, March 19, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 38.52.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980, and/or orally at 10:00 a.m., Wednesday, March 12, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: January 28, 1980

By: N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-010 PURPOSE. The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the individual and family grant program subsequent to a major disaster declaration by the president. The governor of Washington has designated the state department of emergency services as the responsible state coordinating agency. The department of social and health services by agreement, ~~((with))~~ shall administer the individual and family grant program in Washington. These rules shall be effective December 31, 1979 when the president declared a major disaster in Washington state.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-020 DEFINITIONS. (1) "Secretary" shall mean the secretary of the department of social and health services. (~~((Director is the director of the department of emergency services.))~~)

(2) (~~((Department shall mean the department of social and health services, or the department of emergency services, whichever applies.))~~) "Director" may mean the director of the department of emergency services or the bureau of income maintenance, depending upon the context in which it is used in the rules.

(3) (~~((Act shall mean chapter 113, Laws of 1975, 1st ex. sess.))~~) "Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.

(4) (~~((Administrative plan is the individual and family grant program.))~~) "Act" shall mean chapter 38.52 RCW.

(5) (~~((Necessary expense means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.))~~) "Major disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster

relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(6) "Serious need" means a requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster.

(7) "Family" means a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(8) "Individual" means a person who is not a member of a family as defined in subsection (7).

(9) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(10) "Federal coordinating officer" (FCO) means the person appointed by the administrator, (~~((FDA))~~) FEMA, to coordinate federal assistance in a major disaster.

(11) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

(12) "Grant coordinating officer" (GCO) means the director of the bureau of income maintenance who is responsible for the management of the IFG program.

(13) "Administrative panel" means a group consisting of three representatives from the department of social and health services (~~((and the department of emergency services, that))~~), agreed to and approved by the GCO, which determines eligibility for a grant and grant amount.

(14) "Reconsideration appeal" means the redetermination of eligibility by the GCO or his/her designee for the IFG applicant who protests the decision of the administrative panel.

(15) "FEMA" means the Federal Emergency Management Agency.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-030 AUTHORIZATION OF PROGRAM. The program is authorized by Public Law 93-288 (the Disaster Relief Act of 1974) and Federal Disaster Assistance (~~((Administration))~~) Regulations 24 CFR 2205. Section 408 of Public Law 93-288 provides for grants to individuals and families, who as a result of a presidentially declared major disaster, are unable to meet disaster-related "necessary expenses" or "serious needs" up to \$5,000.00. Chapter (~~((113, Laws of 1975, 1st ex. sess.))~~) 38.52 RCW places responsibility for determining eligibility standards for grants to individuals and families with the department of social and health services.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-040 ADMINISTRATIVE PROCEDURES. The (~~((SCO will))~~) GCO shall be the governor's authorized representative for the implementation of the individual and family grant program.

(1) The state department of emergency services has been designated by the governor as the responsible state coordinating agency to administer the provisions of the Federal Disaster Laws. Public Law 93-288, Section 408 provides for grants to individuals and families up to \$5,000.00 - 75% federal and 25% state funds.

(2) The department of (~~((emergency services, acting as the designated responsible state coordinating agency, will))~~) social and health services as the state administrator of the IFG program shall arrange for the state share (25%) of funding and secure the 75% federal matching in conformity with Public Law 93-288.

(3) The department of (~~((emergency))~~) social and health services shall be responsible for preparing the governor's request for an advance of the state's share of funds in accordance with Section 2205.48 (h), Advance of State Share, Federal Disaster Assistance (~~((Administration; Department of Housing and Urban Development))~~) Rules and Regulations, May 28, 1975.

(4) The department of social and health services has been requested by the department of emergency services to administer the individual and family grant program (Section (~~((308))~~) 408, Public Law 93-288). Chapter (~~((113, Laws of 1975, 1st ex. sess.))~~) 38.52 RCW makes the department of social and health services responsible for establishing eligibility standards for applicants for assistance under the grant program.

(5) The department of social and health services shall receive the maximum allowance of 3% for administration of the program as set out in Section (~~((308))~~) 408, Item (d) 14, Public Law 93-288.

(6) Upon the declaration of a major disaster, the state coordinating officer, department of emergency services and the ~~((emergency welfare planning and continuity office (emergency welfare coordinator)))~~ bureau of income maintenance, department of social and health services, shall coordinate the necessary actions to place in operation the provisions and administrative policies and procedures for grants to individuals and families.

(7) The media ~~((with))~~ shall be used widely to notify potential applicants of methods and procedures for application during and after the disasters; and appropriate outreach services ~~((with))~~ shall be provided by the department of social and health services or welfare-related agencies, civic or church groups normally providing such service in the area.

(8) The program ~~((with))~~ shall be administered in conformity with provisions of Sections 2205.13, 2205.15, 2205.18 and Subpart E of Section 2205.48 of Federal Disaster Assistance Regulations, May 28, 1975.

(9) Eligibility criteria ~~((with))~~ shall conform to Section 2205.48(c) and such requirements as the department of social and health services may require not inconsistent with the provision in the above listed sections of the federal regulations.

(10) The SCO ~~((with))~~ shall maintain close coordination with the FCO and provide him with such reports as he may require.

(11) The GCO shall maintain close coordination with the SCO.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-050 ELIGIBILITY FOR GRANTS. (1) General. In order to qualify for a grant under this section, an individual or family representative must certify:

(a) That application has been made to other available governmental programs for assistance to meet a necessary expense or serious need and that neither he nor they have been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need.

(b) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means.

(c) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the state that part of the grant for which financial assistance from other means has been received.

(d) That should the individual or family receive a grant, he/she/they shall be required to show proof of purchase of all items as specified in the grant award. The individual or family shall refund to the state any part of the grant which has not been expended for those eligible items specified in the grant award.

(e) That individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within the state in which the major disaster had been declared.

~~((f))~~ (f) That individuals or families otherwise eligible for assistance under this section must obtain flood insurance, as required by ~~((Subpart E of FDAA))~~ Federal Disaster Assistance Regulations 24 CFR 2205.48(c)(iv).

~~((g))~~ (g) That application must be filed within 60 days following the date on which the major disaster was declared except as follows:

Applications filed after the 60 day filing period, but within 90 days following the date on which the major disaster was declared ~~((with))~~ shall be reviewed by the secretary of the department of social and health services or his/her designee to determine whether the late filing was the result of extenuating circumstances or conditions beyond the control of the individual or family. If it is determined that good cause existed for late filing, the application ~~((with))~~ shall be accepted. If such determination cannot be made, the application ~~((with))~~ shall be rejected.

~~((g))~~ Farmers, ranchers, and persons engaged in agriculture who are qualified to apply to the farmers home administration (FmHA), must submit proof of the denial of such loan assistance from the FmHA before they may be considered eligible for a grant under this section. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's emergency loan program.))

(h) Farmers, ranchers and persons engaged in agriculture or aquaculture who are qualified to apply to the Farmer's Home Administration (FHA) or the Small Business Administration (SBA), must submit proof of the denial of such loan assistance from the FHA and/or the SBA before they may be considered eligible for a grant under this section. If applicants have been denied loan assistance because, in FHA's or SBA's determination, they are able to obtain necessary credit from other sources, they shall be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FHA's or SBA's emergency loan program.

(2) Eligible categories.

Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services in the categories set forth below:

(a) Medical or dental.

(b) Housing. With respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:

(i) Repair, replace, rebuild((:)),

(ii) provide access,

(iii) clean or make sanitary, or

(iv) remove debris from such residences. Any debris removal ~~((with))~~ shall be limited to the minimum required to remove health hazards or protect against additional damage to the residence.

(v) provide minimum protective measures required to protect such residences against the immediate threat of damage.

(vi) move mobile homes to prevent and/or reduce the immediate threat of damage.

(c) Personal property.

(i) Clothing.

(ii) Household items, furnishings, or appliances.

(iii) Tools, specialized or protective clothing or equipment which are essential to or a condition of a wage earner's employment.

(iv) Repair, clean, or sanitize, any eligible personal property item.

(v) Move and store to prevent or reduce the immediate threat of damage.

(d) Transportation.

(i) Grants may be authorized to provide transportation by public conveyance provided that the requirement for this transportation was the direct result of the disaster.

(ii) Grants may be authorized to repair, replace or provide private transportation, if the loss or requirement for this transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable.

(e) Funeral expenses. Grants for funeral expenses will be based on minimum expenditures for interment or cremation.

(f) Rental accommodations to include motel, hotel, and other temporary accommodations.

(3) Ineligible categories.

Assistance ~~((with))~~ shall not be made available for any item or service in the following categories.

(a) Business losses, including farm businesses.

(b) Improvements or additions to real or personal property.

(c) Landscaping.

(d) Real or personal property used exclusively for recreation.

(e) Financial obligations incurred prior to the disaster.

(f) Any necessary expense or serious need or portion thereof for which assistance was available from other means but was refused by the individual or family.

(4) Other categories. Should the state determine that an individual or family has an expense or need not specifically identified as eligible, the state shall provide a factual summary to the regional director, ~~((FDAA))~~ FEMA, and request a determination.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-070 EXPENDITURES AND PAYMENTS. (1) Grant payments ~~((with))~~ shall be processed by means of state form A-19 (invoice voucher) appropriately coded to identify the charges to individuals and family grant program. Each voucher ~~((with))~~ shall be supported by attaching a copy of the approved grant application. The original approved grant application and a copy of the payment voucher ~~((with))~~ shall be filed in the case record folder.

(2) Vouchers ~~((with))~~ shall be transmitted to the central disbursements section daily through the usual transmittal procedures. Separate voucher transmittals ~~((with))~~ shall be made for individual and family grant program payments in order to ~~((expediate [expedite]))~~ expedite priority processing of the payments.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-080 ORGANIZATION AND FUNCTIONS. All state agencies charged with responsibilities under this plan will insure compliance with Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the ((~~FDA~~)) federal disaster assistance regulations.

(1) Notifying potential applicants. The secretary of the department of social and health services shall publicize the availability of the IFG program to potential applicants by:

(a) Coordinating ((~~PHO~~ activities with other agencies and the ~~FCO~~)) Public Information Office activities with other agencies and the FCO;

(b) providing news releases to local and state newspapers, radio and television stations;

(c) notifying local governments, private welfare and welfare related agencies, civic and church groups; and

(d) establishing outreach programs.

(2) Establishing application centers.

The secretary of social and health services ((with)) shall staff the federal/state disaster assistance centers (DAC) for the purpose of accepting grant applications. Subsequent to the closing of the DAC's the secretary of social and health services will provide other locations for the purpose of accepting applications. In determining suitable locations, consideration should be given to:

(a) The location of disaster victims and their proximity to local state offices, and

(b) the number of disaster victims the office might be required to serve.

(3) Interviewing applicants, receiving grant applications.

(a) The secretary of social and health services ((with)) shall be responsible for interviewing applicants, receiving applications, and establishing case files. Applications ((with)) shall be taken for sixty days following a major disaster declaration from any disaster victim desiring to apply for grant assistance. The interviewer ((with)) shall fully explain the scope and purpose of the program to each applicant and will ensure that each applicant clearly identifies on his or her application the specific needs or expenses for which he or she is seeking assistance. It ((with)) shall also be clearly explained to the applicant that any approved grant ((with)) shall be used for the specific identified disaster related serious needs or expenses.

(b) An application ((with)) shall not be considered complete without the disclosure statement being signed.

(4) Verifying necessary expenses or serious needs.

(a) The secretary of social and health services ((with)) shall be responsible for verification of the necessary expenses and serious needs for which grant assistance has been requested. A field trip(s) will be made by a verifier as required, to verify the serious needs or necessary expenses for which grant assistance has been requested.

(b) The verifier ((with)) shall categorize the serious needs and necessary expenses into eligible categories and attach the necessary documentation to the verification form. The verification form ((with)) shall be attached to the application and ((with)) shall become a part of the case file.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

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(2) The Administrative Panel, consisting of ((two)) three representatives of the department of social and health services ((and one representative)) agreed to and appointed by the ((director of the department of emergency services (SCO), will)) GCO, shall review each application and determine eligibility and grant amounts.

(3) The administrative panel shall send each applicant written notice of their determination of the applicant's eligibility and, if eligible, grant amount.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-100 ((APPEALS. The applicant may appeal any approval or denial decision of the grant application. In all cases, the approval/disapproval letter will inform the applicant of the right to appeal the decision to the appeals panel of the department of social and health services. Appeals must be made within 20 calendar days of

receipt of the letter by the applicant:)) APPEAL PROCESS—GCO RECONSIDERATION—STATE APPEAL PANEL. (1) An applicant who is dissatisfied with the administrative panel's determination of his/her eligibility and/or grant amount may request a Reconsideration and Oral Hearing. A request for a Reconsideration and Oral Hearing shall be in writing and must state the reasons for the appellant's dissatisfaction with the administrative panel's determination. The appellant must mail a request for Reconsideration and Oral Hearing as soon as possible not to exceed 15 days from receipt of the administrative panel's determination by certified mail to: Chief, Office of Hearings, P.O. Box 2465, Olympia, WA 98504.

(2) When an applicant has requested a Reconsideration and Oral Hearing, the GCO or designee shall examine the appellant's file and any additional information received or presented for review of the administrative panel's determination. The GCO or designee shall make a decision affirming, modifying, or reversing the administrative panel's decision and mail the written decision to the appellant within 15 days of the GCO's receipt of the appeal; this period may be extended if both the appellant and the GCO agree. If the appellant is satisfied with the GCO or designee's decision he/she should withdraw the request for an oral hearing.

(3) Unless the appellant withdraws his/her request for an oral hearing the hearing will be conducted and decided by the secretary's designee, the state appeal panel.

(4) The state appeal panel hearing shall be conducted in accordance with chapter 388-08 WAC.

(5) The state appeal panel shall consist of three hearing examiners selected by the Chief, Office of Hearings. One of the panel members shall preside at the hearing. A majority of the members shall render the final decision.

(6) The state appeal panel shall render their decision within 60 days of their receipt of the request for hearing. The decision rendering time shall be extended by continuances assented to or delays caused by an appellant.

AMENDATORY SECTION (Amending Order 1104, filed 3/11/76)

WAC 388-53-120 ADMINISTRATIVE PLAN REVIEW. The director of the department of emergency services and the secretary of the department of social and health services ((with)) shall review, in coordination with the ((~~FDA~~)) FEMA regional director, the state administrative plan for the individual and family grant program every January to insure compliance with state and federal laws and regulations and other ((~~FDA~~)) FEMA program guidance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-53-110 STATE APPEAL PANEL.

WSR 80-02-122**PROPOSED RULES****OFFICE OF FINANCIAL MANAGEMENT**

[Filed January 30, 1980]

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:

Amd	ch. 365-31 WAC	Relating to the bylaws of the committee, functions of L.J.P.O. and administrative procedures of the S.P.A.
Rep	ch. 365-33 WAC	Comprehensive state plans for law enforcement and administration of justice.
Rep	ch. 365-35 WAC	Financial guidelines for subgrantees.
Rep	ch. 365-37 WAC	Application procedures of subgrantees;

that such agency will at 8:00 a.m., Tuesday, March 4, 1980, in the Conference Room, Division of Criminal Justice, 102 North Quince, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Tuesday, March 4, 1980, in the Conference Room, Division of Criminal Justice, 102 North Quince, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 43.41.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 4, 1980, and/or orally at 8:00 a.m., Tuesday, March 4, 1980, Conference Room, Division of Criminal Justice, 102 North Quince, Olympia, WA 98504.

Dated: January 30, 1980

By: M. Lyle Jacobsen
Director

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-010 DEFINITIONS. As used in chapter((s)) 365-31 ((through 365-39)) of the Washington Administrative Code:

(1) ((¹1973 Act means the Crime Control Act of 1973, Public Law 93-83)) "1968 act" means the Omnibus Crime Control and Safe Streets Act 1968, Public Law 90-351, as now or hereafter amended.

(2) "1974 act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as now or hereafter amended.

(3) "Governor's ((Committee" means the Governor's Committee on Law and Justice created by Executive Order 75-04 pursuant to the 1973 Act and LEAA regulations)) council" means the governor's council on criminal justice created by chapter 79.

(4) ((¹Juvenile Justice Advisory Committee" means the advisory committee appointed by the Governor on August 4, 1975, pursuant to P.L. 93-415 and LEAA regulations)) "Committee" means the governor's juvenile justice advisory committee appointed by the governor, pursuant to Public Law 93-415.

(5) "LEAA" means the United States Department of Justice's Law Enforcement Assistance Administration.

(6) "LEAA regulations" means all regulatory material promulgated by LEAA ((pursuant to the 1973 and 1974 Acts, including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with or otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1973 and 1974 Acts)) including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1968 and 1974 acts.

(7) ((¹LJPO" means the Law and Justice Planning Office of the Washington State Office of Community Development; it is the entity through which the SPA carries out the state's law and justice planning and programming functions and responsibilities)) "DCJ" means division of criminal justice pursuant to chapter 79 in the office of financial management that serves as the state planning agency pursuant to the 1968 and 1974 acts.

(8) ((¹Local planning body" means a unit of local government or agency thereof that carries out planning activities for law and justice purposes for a geographic area smaller than a law and justice planning region recognized by the LJPO; for the purposes of these rules a local planning body shall be treated as a regional planning body)) "Chapter 79" means Washington Law, 1979 chapter 79, session laws of the state of Washington Regular Session Forty-Sixth Legislature, convened January 1, 1979, adjourned March 8, 1979.

(9) "Regional ((planning body" means a unit of local government or combination or agency thereof that carries out planning activities for law and justice purposes pursuant to the 1973 and 1974 Acts for a geographic area recognized by the LJPO)) or local planning unit" means a unit of local government or combination or agency thereof that carries out planning activities for criminal justice purposes pursuant to the 1968 and 1974 acts for a geographic area recognized by the DCJ.

(10) "SPA" means the state planning agency established pursuant to the ((1973 and 1974 Acts and designated by the Governor in Executive Order 75-04)) 1968 and 1974 acts and designated in chapter 79.

(11) "Subgrantee" means a state agency or a unit of general local government or any combination thereof that receives funds from the SPA pursuant to the ((1973)) 1968 or 1974 act.

((12) "Task Force" means a working, task-oriented, or advisory group related to the SPA or Governor's Committee as further defined in the document or action establishing such group:))

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs such as "adequate", "approved", "qualified", "reasonable", "reputable", "satisfactory", "sufficiently", or "suitable", used in chapter((s)) 365-31 ((through 365-39)) WAC to qualify a person, procedure, process or otherwise shall be as determined by the director of the ((Planning and Community Affairs Agency)) DCJ, office of financial management or his designee, subject to such appeal process as is appropriate.

(2) Where the word "shall" is used in chapter((s)) 365-31 ((through 365-39)) WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in chapter((s)) 365-31 ((through 365-39)) WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in chapter((s)) 365-31 ((through 365-39)) WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-110 OFFICERS OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. (1) The presiding officer of the governor's council and committee, denominated the "chairman" shall be appointed by the governor. The chairman shall call and preside over all meetings of the governor's council and the committee, appoint the presiding officers and members of subcommittees ((and task forces)) of the governor's council and committee except as specifically provided herein and do all such other things as are appropriate for or delegated to such officer by the governor's council or committee.

(2) A vice-chairman, appointed by the chairman of the governor's council and committee, shall preside at the meetings of the governor's council and committee in the absence of the chairman as well as act for the chairman and governor's council and committee under their direction.

(3) An acting vice-chairman, appointed by the ((LJPO Administrator)) DCJ director shall preside at meetings of the governor's council and committee in the absence of both the chairman and vice-chairman.

NEW SECTION

WAC 365-31-111 FUNCTIONS AND MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE.

(1) The governor's council on criminal justice shall perform those functions outlined in chapter 79, and the 1968 and 1974 acts to include, but not limited to:

(a) Assist the legislature and the governor in developing, planning and carrying out a long-range, state-wide crime control and prevention program for Washington.

(b) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(c) Assist the legislature and the governor in the development of state policies for criminal justice administration.

(d) Advise and assist local communities in developing, planning and carrying out local crime control and prevention councils and programs.

(2) The governor's juvenile justice advisory committee shall perform those functions outlined in Public Law 93-415, as amended, and to serve in an advisory capacity to the governor's council on criminal justice.

(3) The membership of the governor's council on criminal justice shall consist of members appointed by the governor pursuant to the "1968 act, as amended" and chapter 79.

(4) The membership of the governor's juvenile justice advisory committee shall consist of members appointed by the governor pursuant to the "1974 act, as amended."

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-120 MEETINGS OF THE GOVERNOR'S COUNCIL AND COMMITTEE, SUBCOMMITTEES, ADVISORY COMMITTEES, AND TASK FORCES. (1) The governor's council and committee shall meet at least quarterly, at the call of its chairman or upon request of any three members of the governor's committee.

(2) Subcommittees, advisory committees, and task forces shall meet upon the call of their respective presiding officers.

(3) All meetings of the governor's council and committee, subcommittees, advisory committees, and task forces shall be considered open public meetings under the provisions of chapter 42.30 RCW, except executive sessions permitted by RCW 42.30.110. Written notice of the time and place of any meeting shall be sent to all members of the governor's council, committee, subcommittee, advisory committee, or task force that is to meet and any other persons as deemed appropriate by the ((LJPO Administrator)) DCJ director, at least five days prior to the meeting date, except in the case of an emergency meeting specifically called as such by the presiding officer of the respective governor's council, committee, ((subcommittee)) advisory committee, or task force that is to meet, in which case, the provisions of RCW 42.30.080 shall apply.

(4) The governor's council and committee shall be reimbursed for travel expenses incurred while attending official meetings of the governor's council and committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or thereafter amended.

(5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; voting procedures; and minutes for the subcommittees and advisory committees shall be the same as for the governor's council and committee.

(6) The chairmen may appoint members of the governor's council or committee to various subcommittees or advisory committees as they deem necessary from time to time for specific purposes.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-130 ABSENCES OF MEMBERS FROM MEETINGS. Any member who misses three consecutive meetings will have that fact called to his attention by the chairman of the governor's council or committee, with the request that the member reconsider his ability to continue as a member. The chairman shall also advise the governor of situations regarding absenteeism which he deems appropriate to call to the attention of the governor.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-150 PARTICIPATION AND DISCUSSION DURING GOVERNOR'S COUNCIL AND COMMITTEE MEETINGS, RULES OF ORDER, AND FORMS OF ACTION. (1) Only duly appointed members or his or her designee of the governor's council or committee, and such other persons as are recognized by the chairman shall be permitted to participate in the discussion of any matter before the governor's council or committee unless otherwise authorized by a majority of the members of the governor's council or committee present and voting. Any person wishing to participate in such discussion shall notify the ((LJPO Administrator)) DCJ director, in writing, not less than three days prior to the meeting at which such discussion will be held.

(2) The business of the governor's council and committee shall be conducted in accordance with Robert's Rules of Order, New Edition,

unless such rules are suspended or unless otherwise provided for by these rules.

(3) The governor's council and committee shall act by the adoption of a motion or a resolution.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-160 VOTING PROCEDURES. (1) Voting during meetings of the governor's council or committee may be by voice, unless a division or recorded vote is called for by a member of the governor's council or committee. A member shall be entitled to have his/her vote recorded regardless of the form of voting; the votes of all members will be recorded upon a request therefor by any member of the governor's council or committee.

(2) The chairman shall have the same voting rights as any other member of the governor's council or committee.

(3) Only duly appointed members of the governor's council or committee shall be permitted to vote on any issue before the governor's council or committee; no proxies shall be permitted to vote.

(4) Action by the governor's council or committee will be determined by a simple majority vote.

(5) Any member on the governor's council or committee who has a direct or indirect personal interest in a contract or application before the governor's council or committee will withdraw himself/herself from voting on that matter. The governor's council or committee member may, however, participate in discussions and answer questions from other governor's council or committee members.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-170 MINUTES. (1) ((A record shall be kept of the activities and deliberations of the Governor's Committee and summarized in minutes which shall be distributed to all members of the Governor's Committee as soon as practicable following each meeting.

(2) Non-members of the Governor's Committee who have been authorized to participate in a discussion during a meeting of the Governor's Committee shall also be provided copies of the minutes of such meeting.

(3) The minutes of a meeting shall be presented for correction and approval at the next subsequent meeting of the Governor's Committee. All meetings of the governor's council and committee will be recorded.

(2) In addition to the tape recording of the business of the governor's council and committee, adequate support staff will be available to take shorthand concerning the highlights of the governor's council and committee business.

(3) Upon termination of the governor's council and committee meeting within a reasonable time frame, the division of criminal justice will transcribe and draft the minutes of the meetings and forward copies of those minutes to each member of the governor's council and committee.

(4) The governor's council and committee will have ten working days to review and provide any amendments or changes to reflect what actually occurred at the governor's council or committee meeting. Failure to provide any changes within ten working days will provide the assumption that there are no changes and the minutes will be automatically approved.

(5) At the lapse of ten days and the automatic approval of the governor's council or committee minutes, the chairman of the governor's council or committee minutes, the chairman of the governor's council or committee along with the director of the DCJ will sign the minutes of that meeting, place them in appropriate folders for the record, and they will be kept by the secretary of the director of the DCJ for permanent record and subject to audit.

(6) If exceptions are taken to the minutes mailed out, the DCJ will hold the minutes until the next meeting of the governor's council or committee, at which time they will be amended and adopted by the governor's council or committee for official record of the previous meeting.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-210 ((LAW AND JUSTICE PLANNING OFFICE STAFF ROLE AND FUNCTION. Pursuant to Executive Order 75-04, the LJPO, through its Administrator, Deputy

Administrator, and other staff, together with additional SPA employees as designated by the Director of the SPA, carries out the following functions and responsibilities with respect to the law and justice planning program of the State of Washington:

(1) Consistent with the LEAA planning guidelines, develop proposed regional law and justice planning guidelines for review, modification, and approval by the Planning Subcommittee, describing the methodology and policies that will govern the submission to the SPA of regional law and justice plans;

(2) Establishes and maintains communications with state agencies, units of general local government, regional planning offices, and other entities and officials thereof to advise them of the policies, goals and objectives of the Governor's Committee to ensure that effective planning occurs at the local, regional and state levels;

(3) Reviews regional and state agency plans and provides necessary information to the Governor's Committee to enable the Governor's Committee to take appropriate action;

(4) Obtains the necessary statistical and problem definition information from regional and state agency plans as well as information from the criminal justice community to assist in the development of the annual state comprehensive plan;

(5) From information contained within the regional and state agency plans as well as other pertinent sources, prepares the annual state comprehensive plan for review, modification, and action by the Governor's Committee;

(6) Reviews grant applications submitted by applicant state agencies, units of general local government, combinations thereof, and other entities, for compliance with program, fiscal, and evaluation requirements; state plan requirements; and SPA application procedures, all pursuant to procedures described in WAC 365-31-310 and 365-31-320;

(7) Negotiates and assists in the correction of deficiencies in applications and projects through on-site visits, correspondence, and telephone contacts with project directors, regional planners, and state and local governmental officials;

(8) Prepares grant award contracts consistent with approved applications and established policies;

(9) Prepares and presents to the LJPO Hearing and Review Committee recommendations on issues not successfully negotiated pursuant to WAC 365-31-210(7);

(10) Maintains on-going contact with local and state agency representatives for the purpose of ensuring compliance by subgrantees with the approved grant award contracts;

(11) Assists regional and state agency personnel to assure compliance with contract provisions, LEAA regulations, or SPA regulations or administrative procedures;

(12) Prepares special reports requested by the Office of the Governor, the Governor's Committee, the Director of the SPA or the LJPO Administrator for presentations as deemed appropriate;

(13) Keeps the Governor's Committee, state agencies, and regional planning offices informed of significant new developments and problems relating to emerging and developing goals and objectives and makes recommendations for resolution of such problems;

(14) Presents to the Governor's Committee grant applications regarding which LJPO action has been appealed, as well as other pertinent issues considered by the LJPO Hearing and Review Committee pursuant to WAC 365-31-350; and

(15) Performs other duties and responsibilities as required.) THE DIVISION OF CRIMINAL JUSTICE, OFFICE OF FINANCIAL MANAGEMENT WILL PERFORM SUCH DUTIES AS ASSIGNED BY THE DIRECTOR OF THE OFFICE OF FINANCIAL MANAGEMENT, AND ALSO, AT A MINIMUM. (1) Assist the legislature and the governor in developing, planning, and carrying out a long-range, state-wide crime control and prevention program for Washington.

(2) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(3) Assist the legislature and the governor in development of state policies for criminal justice administration.

(4) Advise and assist local communities in developing, planning, and carrying out local crime control and prevention councils and programs.

(5) Provide the director of the office of financial management and the governor with policy recommendations concerning state criminal justice agency plans and programs.

(6) The division of criminal justice shall act as the state planning agency pursuant to the Omnibus Crime Control and Safe Streets Act

of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(7) To develop for the approval of the governor, the governor's council and the legislature the comprehensive state-wide plan for the improvement of criminal justice throughout the state.

(8) To receive and disburse federal funds, and funds deemed appropriate by the governor and the legislature, perform all necessary and appropriate staff services required by the governor's council and committee and otherwise assist the governor's council and committee in the performance of its duties as required by federal and state law.

(9) To perform such duties as set forth by the legislature and the governor in matters relating to juvenile and criminal justice.

(10) To develop orderly procedures to ensure that all local plans and all state and local criminal justice projects are in accord with the comprehensive state plan for juvenile and criminal justice.

(11) To cooperate with and render technical assistance to the governor, the legislature, state agencies, units of local government, combinations of these units, or other public or private agencies, organizations, or institutions in matters relating to juvenile and criminal justice.

(12) To conduct evaluation studies of the programs and activities supported or assisted by the funds administered by the division, or as directed by the governor, the governor's council, the committee, the legislature, or the office of financial management.

(13) To review and comment upon local and regional government plans for criminal justice capital improvements and program operations, and to identify inconsistencies and conflict among state and local government agency plans and budgets.

(14) To analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state.

(15) To submit during July and January of each year, a status report to the presiding officers of the Washington state senate and house of representatives. The report shall include:

(a) A description of all major modifications in law enforcement assistance grants previously awarded;

(b) A listing of the announcements of criminal justice research and demonstration projects; and

(c) Other information requested, in writing by either presiding officer three months prior to the reporting month.

(16) To carry out other juvenile and criminal justice coordinating functions as designated by the governor or director of the office of financial management.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-330 ((ELIGIBLE APPELLANTS OF SPA ACTION ON GRANT APPLICATIONS—PERMISSIBLE SUBJECT MATTER OF APPEAL. Only the following persons or entities may appeal to the LJPO Hearing and Review Committee, the SPA's decision (i) to fund a proposed project, (ii) to not fund a proposed project, (iii) to attach a special condition to a funded proposed project, or (iv) to consider an application as non-conforming:

(1) The applicant (but not its subcontractors or subgrantees);

(2) Any other person or entity having a constitutional or statutory right claimed to have been infringed or interfered with by the SPA or the applicant.)) APPEAL PROCEDURES. The following appeal procedures are promulgated in compliance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(1) Request for hearing. If an application has been rejected, or an applicant has been denied a grant or has had a grant, or any portion of a grant discontinued, or has been given a grant in a lesser amount than such an applicant believes appropriate, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the division of criminal justice shall give written notice to the applicant, or grantee, of its action and shall set forth the reason for the action taken. If any applicant or grantee wishes to appeal the action of the division of criminal justice, a letter of intent to appeal must be filed with the division of criminal justice within ten days after receiving notice of the action taken by the division of criminal justice. The appeal shall be a hearing before the director of DCJ, and the director is authorized and directed to hold such hearings or investigations at such times and places as he deems necessary, following written notice to each applicant or grantee of the date, time and place of the hearing. Such notice must be made at least ten days in advance of the

date set. The findings of fact and the determinations made by the director with respect thereto shall be final and conclusive except as otherwise provided herein.

(2) Request for re-hearing. If such applicant or grantee is still dissatisfied with the findings and determinations of the director's rejection, following the notice and hearing provided for in subsection (1) of the section, a written request for a hearing may be made within ten days, and the applicant or grantee shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved before the next regularly scheduled assembly of the governor's council on criminal justice. The applicant or grantee shall be given at least ten days written notice of the date, time and place of the assembly. The findings and determinations of the governor's council on criminal justice, following such re-hearing, shall be final and conclusive upon all parties involved, except as hereafter provided.

(3) Review action. If any applicant or grantee is dissatisfied with the findings and determinations of the division of criminal justice, governor's council on criminal justice, the governor, following the notice and hearings provided for subsection (1), (2) and (3) of the section, he shall have recourse to the appropriate courts of this state to affirm the action of the division of criminal justice, governor's council on criminal justice, or governor, or to set aside, in whole or in part.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 365-31-180 SUBCOMMITTEES, ADVISORY COMMITTEES, AND TASK FORCES.
- (2) WAC 365-31-310 ADMINISTRATIVE REVIEW OF LJPO ACTION GRANT APPLICATIONS.
- (3) WAC 365-31-320 PROGRAM REVIEW OF APPLICATION.
- (4) WAC 365-31-340 LJPO HEARING AND REVIEW COMMITTEE.
- (5) WAC 365-31-350 NOTICE AND SCHEDULING OF APPEALS TO LJPO HEARING AND REVIEW COMMITTEE.
- (6) WAC 365-31-360 LJPO HEARING AND REVIEW COMMITTEE OPERATION.
- (7) WAC 365-31-370 LJPO HEARING AND REVIEW COMMITTEE ACTION.
- (8) WAC 365-31-410 REGIONAL PLAN EVALUATION PROCESS.
- (9) WAC 365-31-420 EVALUATION CRITERIA AND RANKINGS.
- (10) WAC 365-31-430 NOTICE AND SCHEDULING OF PLANNING SUBCOMMITTEE CONSIDERATION OF REGIONAL PLANS—APPEALS TO PLANNING SUBCOMMITTEE OF SPA DECISIONS ON PLANS.
- (11) WAC 365-31-440 ELIGIBLE APPELLANTS OF SPA ACTION ON PLAN—PERMISSIBLE SUBJECTS OF APPEAL.
- (12) WAC 365-31-450 PLANNING SUBCOMMITTEE OPERATION WHEN CONSIDERING PLANS.
- (13) WAC 365-31-460 PLANNING SUBCOMMITTEE ACTION ON REGIONAL PLANS.
- (14) WAC 365-31-470 APPEAL OF PLANNING SUBCOMMITTEE DECISION REGARDING A REGIONAL PLAN.

REPEALER

Chapter 365-33 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-33-730 ADOPTION OF 1973 STATE PLAN.
- (2) WAC 365-33-740 ADOPTION OF 1974 PLAN.
- (3) WAC 365-33-750 ADOPTION OF 1975 PLAN.
- (4) WAC 365-33-760 ADOPTION OF 1976 PLAN.

REPEALER

Chapter 365-35 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-35-010 ADOPTION OF FINANCIAL GUIDELINES OF THE SPA.
- (2) WAC 365-35-900 RESOLUTION OF CONFLICTS BETWEEN LEAA REGULATIONS AND LJPO FINANCIAL GUIDELINES AND OTHER SECTIONS OF THIS CHAPTER.

REPEALER

Chapter 365-37 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-37-010 ADMINISTRATION OF LAW AND JUSTICE PROGRAM IN ACCORDANCE WITH APPLICABLE FEDERAL LEGISLATION AND RULES—CONFORMANCE WITH SUCH FEDERAL LEGISLATION AND REGULATIONS REQUIRED OF ALL SUBGRANTEES.
- (2) WAC 365-37-110 REQUIREMENT THAT APPLICATIONS BE "CONFORMING" TO NECESSITATE SPA ACTION WITHIN 90 DAYS OF RECEIPT.
- (3) WAC 365-37-120 CRITERIA FOR DETERMINING WHETHER OR NOT AN APPLICATION IS "CONFORMING".
- (4) WAC 365-37-130 CONDITIONAL APPROVAL OF APPLICATION.
- (5) WAC 365-37-210 SUBMISSION DATE FOR APPLICATION FOR INITIAL OR CONTINUATION FUNDING.
- (6) WAC 365-37-220 DATE AFTER WHICH APPLICATIONS FOR REALLOCATION FUNDS WILL BE ACCEPTED.
- (7) WAC 365-37-310 AUTHORIZATION FOR THE GRANTING OF PROJECT PERIOD EXTENSIONS FOR OPERATING PROJECTS—MAXIMUM PERIOD OF EXTENSION.
- (8) WAC 365-37-320 CIRCUMSTANCES UNDER WHICH PROJECT PERIOD EXTENSIONS MAY BE GRANTED.
- (9) WAC 365-37-330 CIRCUMSTANCES UNDER WHICH A GRANT CONTRACT PROJECT PERIOD WILL NOT BE EXTENDED.
- (10) WAC 365-37-340 PROCEDURE FOR REQUESTING AND GRANTING A PROJECT PERIOD EXTENSION.
- (11) WAC 365-37-410 MAXIMUM PROJECT FUNDING PERIOD—EXCEPTIONS.
- (12) WAC 365-37-510 GOVERNOR'S COMMITTEE AS APPELLATE FORUM.
- (13) WAC 365-37-520 ELIGIBLE APPELLANTS—DECISIONS THAT MAY BE APPEALED.
- (14) WAC 365-37-530 NOTICE AND SCHEDULING OF APPEALS TO GOVERNOR'S COMMITTEE.
- (15) WAC 365-37-540 SUBMISSION OF MATERIAL TO GOVERNOR'S COMMITTEE FOR CONSIDERATION IN AN APPEAL.
- (16) WAC 365-37-550 APPEAL CONSIDERATION PROCEDURES.
- (17) WAC 365-37-560 GOVERNOR'S COMMITTEE ACTION ON APPEALS.
- (18) WAC 365-37-570 NOTICE OF GOVERNOR'S COMMITTEE DECISION AND RIGHT TO APPEAL TO GOVERNOR.
- (19) WAC 365-37-580 PROCEDURE APPLICABLE TO PETITION TO GOVERNOR FOR RECONSIDERATION OF GOVERNOR'S COMMITTEE DECISION—ACTION BY GOVERNOR ON PETITION.

WSR 80-02-123

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 79-34—Filed January 30, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC.

This action is taken pursuant to Notice No. WSR 79-12-112 filed with the code reviser on December 5, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 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 January 15, 1980.

By Wilbur G. Hallauer
Director

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-030 MASTER PROGRAMS ORGANIZED BY COUNTY. The master programs have been assigned section numbers and are listed alphabetically by county. The master programs for incorporated cities and towns are grouped alphabetically (~~((within))~~ by section following the county (~~((subsections))~~ sections. (~~((Each city is listed under separate number (for example WAC 173-19-100(1)).))~~))

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-060 REVISING OF MASTER PROGRAMS. At any time after adoption or approval of the master program by the department, local government may pursuant to RCW 90.58.190 propose additions, deletions, or modifications to the master program deemed necessary by local government (~~((to bring the master program into compliance with chapter 90.58 RCW or chapter 173-16 WAC or))~~ to reflect changing local circumstances, new information, or improved data. (~~((The revised master program shall be submitted to the department for review and formal action. The local government shall also notify all abutting local governments affected by any proposed environment designation modifications at the same time it submits these changes to the department. The department shall take formal action on the proposed revision of the master program within forty-five days of receipt by the department and, shall state in detail, the precise facts upon which that decision is based and shall submit to the local government suggested modifications to the program to make it consistent with chapter 90.58 RCW or chapter 173-16 WAC. Any resubmitted program shall be acted upon by the department within thirty days after receipt of the resubmitted program, and shall take effect with the form and content as is approved by the department.))~~ A revision to the master program shall be consistent with chapter 90.58 RCW and chapter 173-16 WAC, and shall be submitted to the department for its review and formal action. No such revision submitted to a master program by local government shall become effective until thirty days after the department's order adopting the revision has been filed with the code reviser.

NEW SECTION

WAC 173-19-062 SUBMITTAL OF REVISED MASTER PROGRAM BY LOCAL GOVERNMENT.

(1) The local government shall, prior to the submittal of a revised master program to the department, conduct at least one public hearing to consider the proposed changes to the program.

(a) Public notice of the hearing shall be made a minimum of once in each of the three weeks immediately preceding the hearing. The notice shall be published in one or more newspapers of general circulation in the county in which the hearing is to be held. The public notice shall include:

(i) Reference to the authority under which the action is proposed.

(ii) A statement or summary of the proposed changes to the master program.

(iii) The date, time, and location of the hearing, and the manner in which interested persons may present their views thereon.

(b) The local government shall also notify abutting local governments affected by the proposed master program revision and specify any environment designation changes.

(c) The revised master program should be available for public inspection at the local government office and available upon request at least seven days prior to the public hearing.

(2) Attached to the master program revision upon submittal to the department shall be a copy of the resolution or ordinance relating to the revisions submitted by the local government. The submittal letter must bear the signature of the authorized local official. In addition, the following items should also be included in the submittal:

(a) An affidavit showing that the notice has been properly published.

(b) An explanatory statement, staff report, record of the hearing, and/or other materials which document the necessity for the proposed changes to the master program.

(c) The material specified by chapter 43.21C RCW; i.e. an environmental checklist, threshold determination, and environmental impact statement, as required.

NEW SECTION

WAC 173-19-064 ADOPTION OF THE REVISED MASTER PROGRAM BY THE DEPARTMENT. If more than one local government submits revised programs to the department for action and they are pending with the department, the department may elect to consolidate the proceedings for adoption. Adoption shall be in accordance with the provisions of RCW 34.04.025, insofar as such provisions are not inconsistent with the provisions of chapter 90.58 RCW, and shall follow the procedures set forth below:

(1) A notice of intent to adopt the revised master program shall be filed with the state code reviser's office in accordance with the procedures and closing dates established by the code reviser. The department shall file notice in a manner that will allow for the most expeditious adoption of the revised program: PROVIDED, That the department will not file notice more often than six times in each year unless special circumstances dictate more frequent filing.

(2) The department shall, prior to an adoption proceeding, hold a public hearing to consider the proposed changes to the master program.

(a) The location of the public hearing and the adoption proceeding shall be as follows:

(i) The public hearing shall be held in a location convenient to the department: PROVIDED, That if there is substantial public interest in a revised program, as determined by the department, the department may elect to conduct the public hearing in the local area affected by the revised program.

(ii) The adoption proceeding shall be held in a location convenient to the department.

(b) The date of the public hearing shall be established in accordance with the schedule of the code reviser for the first agency action date. The adoption proceeding shall be commenced within fourteen days of the public hearing unless the department determines that the public interest or special circumstances requires a longer time between the public hearing and the adoption proceeding.

(c) Prior to the date of the public hearing, the department shall publish notice of the hearing and adoption proceeding in at least one newspaper of general circulation in the area affected by the revised master program. The public notice shall include:

(i) Reference to the authority under which the action is proposed; and

(ii) The dates, times, and locations of the public hearing and adoption proceeding, and the manner in which persons may present their views.

(d) The department shall also notify local governments and interested persons who have expressed a desire to be advised of the proposed action.

(e) A request for advice and guidance to members of the ecological commission shall be submitted at least thirty days prior to the adoption proceedings in accordance with chapter 43.21A RCW.

(f) An evaluation of economic impact shall be completed prior to adoption of the revised program in accordance with chapter 43.21H RCW.

(3) The department staff shall present at the public hearing its proposed recommendation that the department:

(a) Adopt the revised program, or portions thereof;

(b) Adopt with conditions, the revised program or portions thereof; or

(c) Deny adoption of the revised program, or portions thereof. If the recommendation is that the revised master program be denied in whole or in part, the department shall state the reasons upon which that recommendation is based, including inconsistency with:

(i) The policies and procedures of the act; and

(ii) The guidelines, rules and regulations of the department.

(4) When the department determines to deny a revised master program in whole or in part, it shall, at the adoption proceeding date, advise the local government in writing of the reasons for the denial and the department's suggested modifications to the revised program which would make it consistent with chapter 90.58 RCW and chapter 173-16 WAC. The local government

may, after it receives the recommendations from the department, make the specific modifications designed to eliminate the inconsistencies and resubmit the revised program to the department. Any resubmitted revision shall be subject to the full adoption procedure.

(5) With regard to those segments of the program relating to shorelines of state-wide significance, the department may develop and adopt an alternative to the local governments proposal if the program submitted does not provide for the optimum implementation of the policies of chapter 90.58 RCW to satisfy the state-wide interest. The department shall notify local government of its intent to do so in writing at the adoption proceeding date.

(6) The department shall present at the adoption proceeding, its decision on the revised master program, together with any resulting modifications to that proposal.

(7) If the department determines to adopt a revised master program in whole or in part, following the adoption proceeding it shall file the amended rules and a copy of the revised master program with the state code reviser. The department shall also notify the appropriate city clerk or county auditor of the final action taken.

(8) The revised master program shall not become effective until at least thirty days from the date of filing with the code reviser the order adopting the revisions in accordance with the provisions of chapter 34.04 RCW.

(9) The procedure for adopting emergency rules described in RCW 34.04.030 shall be used in lieu of the procedure described above only if the criteria in RCW 34.04.030 are met and the department determines that the proposed revision is not controversial.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-080 APPLICABILITY OF MASTER PROGRAM TO FEDERAL AGENCIES. The state master program shall be applicable ((to)) 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) The master program shall not be applicable to activities of federal agencies on lands owned in fee by the federal government unless the federal government grants or reserves to the state or local government jurisdiction over uses on those lands.

(2) ~~((When and if the pertinent portion of the Washington state shoreline program is approved under the coastal zone management act, 16 USC 1451 et seq.))~~ The federal government shall be subject to the state master program as provided by the approved Washington coastal zone management ((act)) program, within certain limitations set forth in the federal coastal zone management act, 16 U.S.C. 1451, et seq., and regulations adopted pursuant thereto.

(3) The state master program shall apply to nonfederal development or uses, otherwise subject to the shoreline management act, undertaken on lands under nonfederal ownership, lease, or easement even though such lands may fall within the external boundaries of a federal ownership.

(4) The state master program shall apply to development or uses otherwise subject to the shoreline management act on lands not federally owned, but under lease, easement, license, or other similar federal property right short of ownership, to the federal government.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-100 ASOTIN COUNTY. Asotin County master program approved October 22, 1974.

~~((1) Asotin master program approved March 7, 1975.~~

~~(2) Clarkston master program approved March 7, 1975.))~~

NEW SECTION

WAC 173-19-1001 ASOTIN, CITY OF. City of Asotin master program approved March 7, 1975.

NEW SECTION

WAC 173-19-1002 CLARKSTON, CITY OF. City of Clarkston master program approved March 7, 1975.

AMENDATORY SECTION (Amending Order DE 79-28, filed 10/16/79)

WAC 173-19-110 BENTON COUNTY. Benton County master program approved April 25, 1974.

~~((1) Benton City master program approved August 25, 1975.~~

~~(2) Kennewick master program approved December 11, 1974.~~

~~(3) Prosser master program approved June 2, 1975.~~

~~(4) Richland master program approved September 9, 1974 [1975]. Revision approved August 29, 1979.~~

~~(5) West Richland master program approved October 22, 1974.))~~

NEW SECTION

WAC 173-19-1101 BENTON CITY, CITY OF. City of Benton City master program approved August 25, 1975.

NEW SECTION

WAC 173-19-1102 KENNEWICK, CITY OF. City of Kennewick master program approved December 11, 1974.

NEW SECTION

WAC 173-19-1103 PROSSER, CITY OF. City of Prosser master program approved June 2, 1975.

NEW SECTION

WAC 173-19-1104 RICHLAND, CITY OF. City of Richland master program approved September 9, 1974. Revision approved August 29, 1979.

NEW SECTION

WAC 173-19-1105 WEST RICHLAND, CITY OF. City of West Richland master program approved October 22, 1974.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975.

~~((1) Cashmere master program approved April 22, 1975.~~

~~(2) Chelan master program approved April 22, 1975.~~

~~(3) Entiat master program approved April 22, 1975.~~

~~(4) Leavenworth master program approved April 22, 1975.~~

~~(5) Wenatchee master program approved April 22, 1975.))~~

NEW SECTION

WAC 173-19-1201 CASHMERE, CITY OF. City of Cashmere master program approved April 22, 1975.

NEW SECTION

WAC 173-19-1202 CHELAN, CITY OF. City of Chelan master program approved April 22, 1975.

NEW SECTION

WAC 173-19-1203 ENTIAT, TOWN OF. Town of Entiat master program approved April 22, 1975.

NEW SECTION

WAC 173-19-1204 LEAVENWORTH, CITY OF. City of Leavenworth master program approved April 22, 1975.

NEW SECTION

WAC 173-19-1205 WENATCHEE, CITY OF. City of Wenatchee master program approved April 22, 1975.

AMENDATORY SECTION (Amending Order DE 79-28, filed 10/16/79)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976~~((1))~~. Revision approved August 10, 1979.

~~((1) Port Angeles master program approved August 5, 1976.))~~

NEW SECTION

WAC 173-19-1301 PORT ANGELES, CITY OF. City of Port Angeles master program approved August 5, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-140 CLARK COUNTY. Clark County master program approved December 18, 1974.

- ~~((1) Camas master program approved January 30, 1978.~~
- ~~(2) LaCenter master program approved December 18, 1974.~~
- ~~(3) Ridgefield master program approved June 29, 1978.~~
- ~~(4) Vancouver master program approved September 25, 1975.~~
- ~~(5) Washougal master program approved September 12, 1974.)~~

NEW SECTION

WAC 173-19-1401 CAMAS, CITY OF. City of Camas master program approved January 30, 1978.

NEW SECTION

WAC 173-19-1402 LACENTER, TOWN OF. Town of LaCenter master program approved December 18, 1974.

NEW SECTION

WAC 173-19-1403 RIDGEFIELD, TOWN OF. Town of Ridgefield master program approved June 29, 1978.

NEW SECTION

WAC 173-19-1404 VANCOUVER, CITY OF. City of Vancouver master program approved September 25, 1975.

NEW SECTION

WAC 173-19-1405 WASHOUGAL, CITY OF. City of Washougal master program approved September 12, 1974.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-150 COLUMBIA COUNTY. Columbia County master program approved September 22, 1975.

~~((1) Dayton master program approved September 22, 1975.~~

~~(2) Starbuck master program approved September 22, 1975.)~~

NEW SECTION

WAC 173-19-1501 DAYTON, CITY OF. City of Dayton master program approved September 22, 1975.

NEW SECTION

WAC 173-19-1502 STARBUCK, TOWN OF. Town of Starbuck master program approved September 22, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved February 17, 1978.

- ~~((1) Castle Rock master program approved~~
- ~~(2) Kalama master program approved January 16, 1978.~~
- ~~(3) Kelso master program approved~~
- ~~(4) Longview master program approved May 19, 1977.~~
- ~~(5) Woodland master program approved~~

NEW SECTION

WAC 173-19-1601 CASTLE ROCK, CITY OF. City of Castle Rock master program approved

NEW SECTION

WAC 173-19-1602 KALAMA, CITY OF. City of Kalama master program approved January 16, 1978.

NEW SECTION

WAC 173-19-1603 KELSO, CITY OF. City of Kelso master program approved

NEW SECTION

WAC 173-19-1604 LONGVIEW, CITY OF. City of Longview master program approved May 19, 1977.

NEW SECTION

WAC 173-19-1605 WOODLAND, CITY OF. City of Woodland master program approved

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-170 DOUGLAS COUNTY. Douglas County master program approved February 20, 1975.

~~((1) Bridgeport master program approved February 20, 1975.~~

~~(2) East Wenatchee master program approved February 20, 1975.~~

~~(3) Rock Island master program approved February 20, 1975.)~~

NEW SECTION

WAC 173-19-1701 BRIDGEPORT, TOWN OF. Town of Bridgeport master program approved February 20, 1975.

NEW SECTION

WAC 173-19-1702 EAST WENATCHEE, CITY OF. City of East Wenatchee master program approved February 20, 1975.

NEW SECTION

WAC 173-19-1703 ROCK ISLAND, TOWN OF. Town of Rock Island master program approved February 20, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-180 FERRY COUNTY. Ferry County master program approved October 21, 1975.

~~((Republic master program approved October 21, 1975.))~~

NEW SECTION

WAC 173-19-1801 REPUBLIC, TOWN OF. Town of Republic master program approved October 21, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-190 FRANKLIN COUNTY. Franklin County master program approved December 10, 1974. Revision approved December 12, 1975. Revision approved August 28, 1978. Revision approved October 2, 1978.

~~((Pasco master program approved December 10, 1974. Revision approved December 12, 1975.))~~

NEW SECTION

WAC 173-19-1901 PASCO, CITY OF. City of Pasco master program approved December 10, 1974. Revision approved December 12, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-210 GRANT COUNTY. Grant County master program approved September 16, 1975.

~~((1) Krupp master program approved September 16, 1975.~~

~~(2) Moses Lake master program approved December 18, 1974.~~

~~(3) Soap Lake master program approved November 19, 1974.~~

~~(4) Wilson Creek master program approved September 16, 1975.))~~

NEW SECTION

WAC 173-19-2101 KRUPP, TOWN OF. Town of Krupp master program approved September 16, 1975.

NEW SECTION

WAC 173-19-2102 MOSES LAKE, CITY OF. City of Moses Lake master program approved December 18, 1974.

NEW SECTION

WAC 173-19-2103 SOAP LAKE, CITY OF. City of Soap Lake master program approved November 19, 1974.

NEW SECTION

WAC 173-19-2104 WILSON CREEK, TOWN OF. Town of Wilson Creek master program approved September 16, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978.

~~((1) Aberdeen master program approved June 30, 1975.~~

~~(2) Cosmopolis master program approved August 12, 1974.~~

~~(3) Elma master program approved September 18, 1974.~~

~~(4) Hoquiam master program approved April 14, 1976.~~

~~(5) Montesano master program approved~~

~~(6) Oakville master program approved~~

~~(7) Ocean Shores master program approved August 12, 1974.~~

~~(8) Westport master program approved November 7, 1974.))~~

NEW SECTION

WAC 173-19-2201 ABERDEEN, CITY OF. City of Aberdeen master program approved June 30, 1975.

NEW SECTION

WAC 173-19-2202 COSMOPOLIS, CITY OF. City of Cosmopolis master program approved August 12, 1974.

NEW SECTION

WAC 173-19-2203 ELMA, CITY OF. City of Elma master program approved September 18, 1974.

NEW SECTION

WAC 173-19-2204 HOQUIAM, CITY OF. City of Hoquiam master program approved April 14, 1976.

NEW SECTION

WAC 173-19-2205 MONTESANO, CITY OF. City of Montesano master program approved

NEW SECTION

WAC 173-19-2206 OAKVILLE, CITY OF. City of Oakville master program approved

NEW SECTION

WAC 173-19-2207 OCEAN SHORES, CITY OF. City of Ocean Shores master program approved August 12, 1974.

NEW SECTION

WAC 173-19-2208 WESTPORT, CITY OF. City of Westport master program approved November 7, 1974.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-230 ISLAND COUNTY. Island County master program approved June 25, 1976.

~~((1) Coupeville master program approved June 25, 1976.~~

~~(2) Langley master program approved June 25, 1976.~~

~~(3) Oak Harbor master program approved June 25, 1976.))~~

NEW SECTION

WAC 173-19-2301 COUPEVILLE, TOWN OF. Town of Coupeville master program approved June 25, 1976.

NEW SECTION

WAC 173-19-2302 LANGLEY, CITY OF. City of Langley master program approved June 25, 1976.

NEW SECTION

WAC 173-19-2303 OAK HARBOR, CITY OF. City of Oak Harbor master program approved June 25, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved December 20, 1974.

~~((Port Townsend master program approved December 20, 1974.))~~

NEW SECTION

WAC 173-19-2401 PORT TOWNSEND, CITY OF. City of Port Townsend master program approved December 20, 1974.

AMENDATORY SECTION (Amending Order DE 79-16, filed 9/5/79)

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979(~~{}~~):

~~((1) Auburn master program approved April 4, 1974.~~

~~(2) Beaux Arts master program approved August 12, 1974.~~

~~(3) Bellevue master program approved February 26, 1975. Revision approved January 8, 1979[.]~~

~~(4) Black Diamond master program approved December 21, 1977.~~

~~(5) Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977.~~

~~(6) Carnation master program approved August 16, 1974.~~

~~(7) Des Moines master program approved April 3, 1974.~~

~~(8) Duvall master program approved [August 12] [November 15], 1974.~~

~~(9) Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.~~

~~(10) Issaquah master program approved~~

~~(11) Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.~~

~~(12) Kirkland master program approved August 27, 1974.~~

~~(13) Lake Forest Park master program approved April 19, 1974.~~

~~(14) Medina master program approved November 22, 1974.~~

~~(15) Mercer Island master program approved September 24, 1974.~~

~~(16) Normandy Park master program approved April 5, 1974.~~

~~(17) North Bend master program approved September 18, 1974.~~

~~(18) Pacific master program approved September 19, 1974.~~

~~(19) Redmond master program approved September 20, 1974.~~

~~(20) Renton master program approved January 23, 1976. Revision approved February 23, 1977.~~

~~(21) Seattle master program approved June 30, 1976. Revision approved March 11, 1977.~~

~~(22) Skykomish master program approved~~

~~(23) Snoqualmie master program approved August 16, 1974.~~

~~(24) Tukwila master program approved September 26, 1974.~~

~~(25) Yarrow Point master program approved March 13, 1975.))~~

NEW SECTION

WAC 173-19-2501 AUBURN, CITY OF. City of Auburn master program approved April 4, 1974.

NEW SECTION

WAC 173-19-2502 BEAUX ARTS VILLAGE, TOWN OF. Town of Beaux Arts Village master program approved August 12, 1974.

NEW SECTION

WAC 173-19-2503 BELLEVUE, CITY OF. City of Bellevue master program approved February 26, 1975. Revision approved January 8, 1979.

NEW SECTION

WAC 173-19-2504 BLACK DIAMOND, CITY OF. City of Black Diamond master program approved December 21, 1977.

NEW SECTION

WAC 173-19-2505 BOTHELL, CITY OF. City of Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977.

NEW SECTION

WAC 173-19-2506 CARNATION, TOWN OF. Town of Carnation master program approved August 16, 1974.

NEW SECTION

WAC 173-19-2507 DES MOINES, CITY OF. City of Des Moines master program approved April 3, 1974.

NEW SECTION

WAC 173-19-2508 DUVALL, CITY OF. City of Duvall master program approved August 12, 1974.

NEW SECTION

WAC 173-19-2509 HUNTS POINT, TOWN OF. Town of Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.

NEW SECTION

WAC 173-19-2510 ISSAQUAH, CITY OF. City of Issaquah master program approved

NEW SECTION

WAC 173-19-2511 KENT, CITY OF. City of Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

NEW SECTION

WAC 173-19-2512 KIRKLAND, CITY OF. City of Kirkland master program approved August 27, 1974.

NEW SECTION

WAC 173-19-2513 LAKE FOREST PARK, CITY OF. City of Lake Forest Park master program approved April 19, 1974.

NEW SECTION

WAC 173-19-2514 MEDINA, CITY OF. City of Medina master program approved November 22, 1974.

NEW SECTION

WAC 173-19-2515 MERCER ISLAND, CITY OF. City of Mercer Island master program approved September 24, 1974.

NEW SECTION

WAC 173-19-2516 NORMANDY PARK, CITY OF. City of Normandy Park master program approved April 5, 1974.

NEW SECTION

WAC 173-19-2517 NORTH BEND, CITY OF. City of North Bend master program approved September 18, 1974.

NEW SECTION

WAC 173-19-2518 PACIFIC, CITY OF. City of Pacific master program approved September 19, 1974.

NEW SECTION

WAC 173-19-2519 REDMOND, CITY OF. City of Redmond master program approved September 20, 1974.

NEW SECTION

WAC 173-19-2520 RENTON, CITY OF. City of Renton master program approved January 23, 1976. Revision approved February 23, 1977.

NEW SECTION

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977.

NEW SECTION

WAC 173-19-2522 SKYKOMISH, TOWN OF. Town of Skykomish master program approved

NEW SECTION

WAC 173-19-2523 SNOQUALMIE, CITY OF. City of Snoqualmie master program approved August 16, 1974.

NEW SECTION

WAC 173-19-2524 TUKWILA, CITY OF. City of Tukwila master program approved September 26, 1974.

NEW SECTION

WAC 173-19-2525 YARROW POINT, TOWN OF. Town of Yarrow Point master program approved March 13, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-260 KITSAP COUNTY. Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977.

~~((1) Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978.~~

~~(2) Port Orchard master program approved March 10, 1977.~~

~~(3) Poulsbo master program approved January 12, 1976. Revision approved October 21, 1976. Revision approved October 24, 1977.~~

~~(4) Winslow master program approved~~

NEW SECTION

WAC 173-19-2601 BREMERTON, CITY OF. City of Bremerton master program approved January 9,

1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978.

NEW SECTION

WAC 173-19-2602 PORT ORCHARD, CITY OF. City of Port Orchard master program approved March 10, 1977.

NEW SECTION

WAC 173-19-2603 POULSBO, CITY OF. City of Poulsbo master program approved January 12, 1976. Revision approved October 21, 1976. Revision approved October 24, 1977.

NEW SECTION

WAC 173-19-2604 WINSLOW, CITY OF. City of Winslow master program approved October 3, 1979.

AMENDATORY SECTION (Amending Order DE 79-28, filed 10/16/79)

WAC 173-19-270 KITTITAS COUNTY. Kittitas County master program approved September 3, 1975. Revision approved August 28, 1979.

~~((1) Cle Elum master program approved~~

~~.....~~

~~(2) Ellensburg master program approved~~

~~.....~~

~~(3) South Cle Elum master program approved June 28, 1976.))~~

NEW SECTION

WAC 173-19-2701 CLE ELUM, CITY OF. City of Cle Elum master program approved

NEW SECTION

WAC 173-19-2702 ELLENSBURG, CITY OF. City of Ellensburg master program approved

NEW SECTION

WAC 173-19-2703 SOUTH CLE ELUM, TOWN OF. Town of South Cle Elum master program approved June 28, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-280 KLUCKITAT COUNTY. Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979.

~~((1) Bingen master program approved August 29, 1975;~~

~~(2) Goldendale master program approved August 29, 1975;~~

~~(3) White Salmon master program approved August 29, 1975.))~~

NEW SECTION

WAC 173-19-2801 BINGEN, TOWN OF. Town of Bingen master program approved August 29, 1975.

NEW SECTION

WAC 173-19-2802 GOLDENDALE, CITY OF. City of Goldendale master program approved August 29, 1975.

NEW SECTION

WAC 173-19-2803 WHITE SALMON, TOWN OF. Town of White Salmon master program approved August 29, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-290 LEWIS COUNTY. Lewis County master program approved November 1, 1974. Revision approved January 16, 1978. Revision approved September 24, 1979.

~~((1) Centralia master program approved March 29, 1978;~~

~~(2) Chehalis master program approved February 10, 1977;~~

~~(3) Morton master program approved October 12, 1977;~~

~~(4) Pe Ell master program approved November 15, 1974;~~

~~(5) Toledo master program approved November 1, 1974;~~

~~(6) Vader master program approved October 24, 1977;~~

~~(7) Winlock master program approved October 24, 1977.))~~

NEW SECTION

WAC 173-19-2901 CENTRALIA, CITY OF. City of Centralia master program approved March 29, 1978.

NEW SECTION

WAC 173-19-2902 CHEHALIS, CITY OF. City of Chehalis master program approved February 10, 1977.

NEW SECTION

WAC 173-19-2903 MORTON, CITY OF. City of Morton master program approved October 12, 1977.

NEW SECTION

WAC 173-19-2904 PE ELL, TOWN OF. Town of Pe Ell master program approved November 15, 1974.

NEW SECTION

WAC 173-19-2905 TOLEDO, CITY OF. City of Toledo master program approved November 1, 1974.

NEW SECTION

WAC 173-19-2906 VADER, CITY OF. City of Vader master program approved October 24, 1977.

NEW SECTION

WAC 173-19-2907 WINLOCK, CITY OF. City of Winlock master program approved October 24, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-300 LINCOLN COUNTY. Lincoln County master program approved February 25, 1977.

~~((1) Odessa master program approved February 25, 1977.~~

~~(2) Sprague master program approved February 25, 1977.))~~

NEW SECTION

WAC 173-19-3001 ODESSA, TOWN OF. Town of Odessa master program approved February 25, 1977.

NEW SECTION

WAC 173-19-3002 SPRAGUE, CITY OF. City of Sprague master program approved February 25, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-310 MASON COUNTY. Mason County master program approved August 6, 1975. Revision approved December 18, 1975.

~~((Shelton master program approved March 18, 1975. Revision approved December 18, 1975.))~~

NEW SECTION

WAC 173-19-3101 SHELTON, CITY OF. City of Shelton master program approved March 18, 1975. Revision approved December 18, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-320 OKANOGAN COUNTY. Okanogan County master program approved December 16, 1975. Revision approved March 9, 1976.

~~((1) Brewster master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(2) Conconully master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(3) Okanogan master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(4) Omak master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(5) Oroville master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(6) Pateros master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(7) Riverside master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(8) Tonasket master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(9) Twisp master program approved December 16, 1975. Revision approved March 9, 1976.~~

~~(10) Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979.))~~

NEW SECTION

WAC 173-19-3201 BREWSTER, TOWN OF. Town of Brewster master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3202 CONCONULLY, TOWN OF. Town of Conconully master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3203 OKANOGAN, CITY OF. City of Okanogan master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3204 OMAK, CITY OF. City of Omak master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3205 OROVILLE, TOWN OF. Town of Oroville master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3206 PATEROS, TOWN OF. Town of Pateros master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3207 RIVERSIDE, TOWN OF. Town of Riverside master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3208 TONASKET, TOWN OF. Town of Tonasket master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3209 TWISP, TOWN OF. Town of Twisp master program approved December 16, 1975. Revision approved March 9, 1976.

NEW SECTION

WAC 173-19-3210 WINTHROP, TOWN OF. Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-330 PACIFIC COUNTY. Pacific County master program approved April 8, 1975.

- ~~((1) Ilwaco master program approved May 2, 1975.~~
- ~~(2) Long Beach master program approved May 2, 1975.~~
- ~~(3) Raymond master program approved April 9, 1976.~~
- ~~(4) South Bend master program approved May 2, 1975.))~~

NEW SECTION

WAC 173-19-3301 ILWACO, TOWN OF. Town of Ilwaco master program approved May 2, 1975.

NEW SECTION

WAC 173-19-3302 LONG BEACH, TOWN OF. Town of Long Beach master program approved May 2, 1975.

NEW SECTION

WAC 173-19-3303 RAYMOND, CITY OF. City of Raymond master program approved April 9, 1976.

NEW SECTION

WAC 173-19-3304 SOUTH BEND, CITY OF. City of South Bend master program approved May 2, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-340 PEND OREILLE COUNTY. Pend Oreille County master program approved April 18, 1975.

- ~~((1) Cusick master program approved April 18, 1975.~~
- ~~(2) Ione master program approved April 18, 1975.~~
- ~~(3) Metaline master program approved April 18, 1975.~~
- ~~(4) Metaline Falls master program approved April 18, 1975.~~
- ~~(5) Newport master program approved April 18, 1975.))~~

NEW SECTION

WAC 173-19-3401 CUSICK, TOWN OF. Town of Cusick master program approved April 18, 1975.

NEW SECTION

WAC 173-19-3402 IONE, TOWN OF. Town of Ione master program approved April 18, 1975.

NEW SECTION

WAC 173-19-3403 METALINE, TOWN OF. Town of Metaline master program approved April 18, 1975.

NEW SECTION

WAC 173-19-3404 METALINE FALLS, TOWN OF. Town of Metaline Falls master program approved April 18, 1975.

NEW SECTION

WAC 173-19-3405 NEWPORT, CITY OF. City of Newport master program approved April 18, 1975.

AMENDATORY SECTION (Amending Order DE 79-19, filed 10/9/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

- ~~((1) Bonney Lake master program approved August 6, 1975.~~
- ~~(2) Buckley master program approved April 7, 1975.~~
- ~~(3) Dupont master program approved June 11, 1975.~~
- ~~(4) Eatonville master program approved April 29, 1975.~~
- ~~(5) Fife master program approved September 6, 1974.~~
- ~~(6) Gig Harbor master program approved September 10, 1975.~~
- ~~(7) Orting master program approved April 8, 1975.~~
- ~~(8) Puyallup master program approved May 31, 1974.~~
- ~~(9) Roy master program approved April 9, 1975.~~
- ~~(10) Ruston master program approved September 20, 1974.~~
- ~~(11) South Prairie master program approved~~
- ~~(12) Steilacoom master program approved~~
- ~~(13) Sumner master program approved December 11, 1974.~~
- ~~(14) Tacoma master program approved April 5, 1977.~~
- ~~(15) Wilkeson master program approved October 21, 1977.))~~

NEW SECTION

WAC 173-19-3501 BONNEY LAKE, CITY OF. City of Bonney Lake master program approved August 6, 1975.

NEW SECTION

WAC 173-19-3502 BUCKLEY, CITY OF. City of Buckley master program approved April 7, 1975.

NEW SECTION

WAC 173-19-3503 DUPONT, CITY OF. City of Dupont master program approved June 11, 1975.

NEW SECTION

WAC 173-19-3504 EATONVILLE, TOWN OF. Town of Eatonville master program approved April 29, 1975.

NEW SECTION

WAC 173-19-3505 FIFE, CITY OF. City of Fife master program approved September 6, 1974.

NEW SECTION

WAC 173-19-3506 GIG HARBOR, TOWN OF. Town of Gig Harbor master program approved September 10, 1975.

NEW SECTION

WAC 173-19-3507 ORTING, TOWN OF. Town of Orting master program approved April 8, 1975.

NEW SECTION

WAC 173-19-3508 PUYALLUP, CITY OF. City of Puyallup master program approved May 31, 1974.

NEW SECTION

WAC 173-19-3509 ROY, CITY OF. City of Roy master program approved April 9, 1975.

NEW SECTION

WAC 173-19-3510 RUSTON, TOWN OF. Town of Ruston master program approved September 20, 1974.

NEW SECTION

WAC 173-19-3511 SOUTH PRAIRIE, TOWN OF. Town of South Prairie master program approved

NEW SECTION

WAC 173-19-3512 STEILACOOM, TOWN OF. Town of Steilacoom master program approved

NEW SECTION

WAC 173-19-3513 SUMNER, CITY OF. City of Sumner master program approved December 11, 1974.

NEW SECTION

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977.

NEW SECTION

WAC 173-19-3515 WILKESON, TOWN OF. Town of Wilkeson master program approved October 21, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976.

~~((Friday Harbor master program approved July 14, 1978. Revision approved January 5, 1979:))~~

NEW SECTION

WAC 173-19-3601 FRIDAY HARBOR, TOWN OF. Town of Friday Harbor master program approved July 14, 1978. Revision approved January 5, 1979.

AMENDATORY SECTION (Amending Order DE 79-16, filed 9/5/79)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

~~((1) Anacortes master program approved April 9, 1976.~~

~~(2) Concrete master program approved March 3, 1977.~~

~~(3) Hamilton master program approved July 27, 1979.~~

~~(4) La Connor master program approved May 3, 1977.~~

~~(5) Lyman master program approved February 23, 1977.~~

~~(6) Mount Vernon master program approved May 16, 1977:))~~

NEW SECTION

WAC 173-19-3701 ANACORTES, CITY OF. City of Anacortes master program approved April 9, 1976.

NEW SECTION

WAC 173-19-3702 CONCRETE, TOWN OF. Town of Concrete master program approved March 3, 1977.

NEW SECTION

WAC 173-19-3703 HAMILTON, TOWN OF. Town of Hamilton master program approved July 27, 1979.

NEW SECTION

WAC 173-19-3704 LA CONNOR, TOWN OF. Town of La Conner master program approved May 3, 1977.

NEW SECTION

WAC 173-19-3705 LYMAN, TOWN OF. Town of Lyman master program approved February 23, 1977.

NEW SECTION

WAC 173-19-3706 MOUNT VERNON, CITY OF. City of Mount Vernon master program approved May 16, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-380 SKAMANIA COUNTY. Skamania County master program approved September 6, 1974.

~~((1) North Bonneville master program approved September 6, 1974.~~

~~(2) Stevenson master program approved September 6, 1974.))~~

NEW SECTION

WAC 173-19-3801 NORTH BONNEVILLE, CITY OF. City of North Bonneville master program approved September 6, 1974.

NEW SECTION

WAC 173-19-3802 STEVENSON, TOWN OF. Town of Stevenson master program approved September 6, 1974.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-390 SNOHOMISH COUNTY. Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978.

~~((1) Arlington master program approved December 27, 1974.~~

~~(2) Brier master program approved December 27, 1974.~~

~~(3) Edmonds master program approved January 23, 1976. Revision approved March 5, 1979.~~

~~(4) Everett master program approved January 5, 1976.~~

~~(5) Gold Bar master program approved December 27, 1974.~~

~~(6) Granite Falls master program approved December 27, 1974.~~

~~(7) Index master program approved December 27, 1974.~~

~~(8) Lake Stevens master program approved December 27, 1974.~~

~~(9) Marysville master program approved January 22, 1975. Amended August 10, 1977.~~

~~(10) Monroe master program approved December 27, 1974.~~

~~(11) Mountlake Terrace master program approved December 27, 1974.~~

~~(12) Mukilteo master program approved September 20, 1974.~~

~~(13) Snohomish master program approved September 20, 1974. Revision approved February 11, 1977.~~

~~(14) Stanwood master program approved April 9, 1976.~~

~~(15) Sultan master program approved December 27, 1974.~~

~~(16) Woodway master program approved December 27, 1974.))~~

NEW SECTION

WAC 173-19-3901 ARLINGTON, CITY OF. City of Arlington master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3902 BRIER, CITY OF. City of Brier master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979.

NEW SECTION

WAC 173-19-3904 EVERETT, CITY OF. City of Everett master program approved January 5, 1976.

NEW SECTION

WAC 173-19-3905 GOLD BAR, TOWN OF. Town of Gold Bar master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3906 GRANITE FALLS, TOWN OF. Town of Granite Falls master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3907 INDEX, TOWN OF. Town of Index master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3908 LAKE STEVENS, CITY OF. City of Lake Stevens master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3909 MARYSVILLE, CITY OF. City of Marysville master program approved January 22, 1975. Amended August 10, 1977.

NEW SECTION

WAC 173-19-3910 MONROE, CITY OF. City of Monroe master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3911 MOUNTLAKE TERRACE, CITY OF. City of Mountlake Terrace master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3912 MUKILTEO, CITY OF. City of Mukilteo master program approved September 20, 1974.

NEW SECTION

WAC 173-19-3913 SNOHOMISH, CITY OF. City of Snohomish master program approved September 20, 1974. Revision approved February 11, 1977.

NEW SECTION

WAC 173-19-3914 STANWOOD, CITY OF. City of Stanwood master program approved April 9, 1976.

NEW SECTION

WAC 173-19-3915 SULTAN, TOWN OF. Town of Sultan master program approved December 27, 1974.

NEW SECTION

WAC 173-19-3916 WOODWAY, TOWN OF. Town of Woodway master program approved December 27, 1974.

AMENDATORY SECTION (Amending Order DE 79-28, filed 10/16/79)

WAC 173-19-400 SPOKANE COUNTY. Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979.

~~((1) Latah master program approved January 15, 1975.~~

~~(2) Medical Lake master program approved January 15, 1975.~~

~~(3) Rockford master program approved January 15, 1975.~~

~~(4) Millwood master program approved January 15, 1975.~~

~~(5) Spokane master program approved March 7, 1975. Revision approved October 5, 1976. Revision approved December 22, 1977.~~

~~(6) Waverly master program approved January 15, 1975.)~~

NEW SECTION

WAC 173-19-4001 LATAH, TOWN OF. Town of Latah master program approved January 15, 1975.

NEW SECTION

WAC 173-19-4002 MEDICAL LAKE, TOWN OF. Town of Medical Lake master program approved January 15, 1975.

NEW SECTION

WAC 173-19-4003 MILLWOOD, TOWN OF. Town of Millwood master program approved January 15, 1975.

NEW SECTION

WAC 173-19-4004 ROCKFORD, TOWN OF. Town of Rockford master program approved January 15, 1975.

NEW SECTION

WAC 173-19-4005 SPOKANE, CITY OF. City of Spokane master program approved March 7, 1975. Revision approved October 5, 1976. Revision approved December 22, 1977.

NEW SECTION

WAC 173-19-4006 WAVERLY, TOWN OF. Town of Waverly master program approved January 15, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-410 STEVENS COUNTY. Stevens County master program approved

~~((1) Chewelah master program approved~~

~~(2) Northport master program approved~~

NEW SECTION

WAC 173-19-4101 CHEWELAH, CITY OF. City of Chewelah master program approved

NEW SECTION

WAC 173-19-4102 NORTHPORT, TOWN OF. Town of Northport master program approved

AMENDATORY SECTION (Amending Order DE 79-19, filed 10/9/79)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979.

~~((1) Bucoda master program approved May 21, 1976.~~

~~(2) Lacey master program approved May 21, 1976.~~

~~(3) Olympia master program approved May 21, 1976.~~

~~(4) Tenino master program approved May 21, 1976.~~

~~(5) Tumwater master program approved May 21, 1976.~~

~~(6) Yelm master program approved May 21, 1976.)~~

NEW SECTION

WAC 173-19-4201 BUCODA, TOWN OF. Town of Bucoda master program approved May 21, 1976.

NEW SECTION

WAC 173-19-4202 LACEY, CITY OF. City of Lacey master program approved May 21, 1976.

NEW SECTION

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976.

NEW SECTION

WAC 173-19-4204 TENINO, TOWN OF. Town of Tenino master program approved May 21, 1976.

NEW SECTION

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976.

NEW SECTION

WAC 173-19-4206 YELM, TOWN OF. Town of Yelm master program approved May 21, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-430 WAHKIAKUM COUNTY. Wahkiakum County master program approved June 17, 1975.

~~((Cathlamet master program approved June 17, 1975:))~~

NEW SECTION

WAC 173-19-4301 CATHLAMET, TOWN OF. Town of Cathlamet master program approved June 17, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-440 WALLA WALLA COUNTY. Walla Walla County master program approved May 2, 1975.

~~((1) Waitsburg master program approved May 25, 1976:~~

~~(2) Walla Walla master program approved February 23, 1977:))~~

NEW SECTION

WAC 173-19-4401 WAITSBURG, TOWN OF. Town of Waitsburg master program approved May 25, 1976.

NEW SECTION

WAC 173-19-4402 WALLA WALLA, CITY OF. City of Walla Walla master program approved February 23, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-450 WHATCOM COUNTY. Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978.

~~((1) Bellingham master program approved September 30, 1974:~~

~~(2) Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978:~~

~~(3) Everson master program approved September 29, 1975:~~

~~(4) Ferndale master program approved~~

~~.....~~

~~(5) Lynden master program approved September 29, 1975:~~

~~(6) Nooksack master program approved September 29, 1975:~~

~~(7) Sumas master program approved September 29, 1975:))~~

NEW SECTION

WAC 173-19-4501 BELLINGHAM, CITY OF. City of Bellingham master program approved September 30, 1974.

NEW SECTION

WAC 173-19-4502 BLAINE, CITY OF. City of Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978.

NEW SECTION

WAC 173-19-4503 EVERSON, CITY OF. City of Everson master program approved September 29, 1975.

NEW SECTION

WAC 173-19-4504 FERNDALE, CITY OF. City of Ferndale master program approved

NEW SECTION

WAC 173-19-4505 LYNDEN, CITY OF. City of Lynden master program approved September 29, 1975.

NEW SECTION

WAC 173-19-4506 NOOKSACK, CITY OF. City of Nooksack master program approved September 29, 1975.

NEW SECTION

WAC 173-19-4507 SUMAS, CITY OF. City of Sumas master program approved September 29, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-460 WHITMAN COUNTY. Whitman County master program approved February 6, 1975.

~~((1) Albion master program approved February 6, 1975:~~

~~(2) Colfax master program approved February 6, 1975:~~

~~(3) Malden master program approved February 6, 1975:~~

~~(4) Palouse master program approved February 6, 1975:~~

~~(5) Pullman master program approved February 6, 1975:~~

~~(6) Rosalia master program approved February 6, 1975:~~

~~(7) Tekoa master program approved February 6, 1975:))~~

NEW SECTION

WAC 173-19-4601 ALBION, TOWN OF. Town of Albion master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4602 COLFAX, CITY OF. City of Colfax master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4603 MALDEN, TOWN OF. Town of Malden master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4604 PALOUSE, CITY OF. City of Palouse master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4605 PULLMAN, CITY OF. City of Pullman master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4606 ROSALIA, TOWN OF. Town of Rosalia master program approved February 6, 1975.

NEW SECTION

WAC 173-19-4607 TEKOA, CITY OF. City of Tekoa master program approved February 6, 1975.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-470 YAKIMA COUNTY. Yakima County master program approved September 5, 1974. Revision approved September 8, 1977.

~~((1) Grandview master program approved September 5, 1974.~~

~~(2) Granger master program approved September 5, 1974.~~

~~(3) Naches master program approved September 5, 1974.~~

~~(4) Selah master program approved September 5, 1974.~~

~~(5) Union Gap master program approved September 5, 1974.~~

~~(6) Yakima master program approved September 5, 1974.~~

~~(7) Zillah master program approved September 5, 1974.))~~

NEW SECTION

WAC 173-19-4701 GRANDVIEW, CITY OF. City of Grandview master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4702 GRANGER, TOWN OF. Town of Granger master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4703 NACHES, TOWN OF. Town of Naches master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4704 SELAH, CITY OF. City of Selah master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4705 UNION GAP, CITY OF. City of Union Gap master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4706 YAKIMA, CITY OF. City of Yakima master program approved September 5, 1974.

NEW SECTION

WAC 173-19-4707 ZILLAH, CITY OF. City of Zillah master program approved September 5, 1974.

WSR 80-02-124

**NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION
[Memorandum—January 29, 1980]**

The next meeting of the Washington State Advisory Council on Vocational Education will be held Thursday, February 21, 1980, beginning at 4:30 p.m. The Council meeting will be held in the Rainier Room of the Seattle Airport Hilton, South 176th and Pacific Highway South, Seattle, Washington.

WSR 80-02-125

**EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-5—Filed January 31, 1980]**

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 these rules are adopted pursuant to the Columbia River compact meeting of January 17, 1980.

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

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

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

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

APPROVED AND ADOPTED January 30, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-04000G STURGEON - SETLINE
Notwithstanding the provisions of WAC 220-32-040, it shall be unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except at those times, with the gear and provisions designated below:

12 noon February 1 until 12 noon April 30, 1980.

12 noon August 1 until 12 noon October 31, 1980.

Setline gear will be limited to 3 lines with not more than 500 hooks per line.

Buoys must be marked on each end with the fishing license number.

NEW SECTION

WAC 220-32-05100M GILL NET SEASONS
Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish 12 noon February 1 until 12 noon March 15, 1980.

NEW SECTION

WAC 220-32-05700F SEASON - STURGEON
Notwithstanding the provisions of WAC 220-32-057, it shall be unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon February 1 to 12 noon May 31, 1980 and 12 noon August 1 to 12 noon October 31, 1980. Setline gear shall be limited to not more than 100 hooks per set line.

WSR 80-02-126
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-6—Filed January 31, 1980]

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 it removes unnecessary area restrictions for handicapped persons.

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

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

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

APPROVED AND ADOPTED January 30, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-56-05000B DISABILITY PERMITS- RAZOR CLAM Notwithstanding the provisions of WAC 220-56-050, it shall be unlawful for any person to catch, dig or possess the daily personal-use catch or bag limit of another person: **PROVIDED**, That it shall be lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit signed by the director, is physically present with the digger on the site where such digging occurs and is properly licensed. Such permit may be obtained by providing to the director written certification from a licensed physician that said person is physically unable to dig razor clams.

WSR 80-02-127
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-7—Filed January 31, 1980]

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 steelhead management needs prevail in these areas.

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

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

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

APPROVED AND ADOPTED January 31, 1980.

By Gordon Sandison
Director

REPEALER

The following sections of the Washington Administrative Code are repealed effective February 1, 1980:

WAC 220-28-012F0E CLOSED AREA (79-142)
WAC 220-28-012H0A CLOSED AREA (79-133)

WSR 80-02-128

EMERGENCY RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 44—Filed February 1, 1980]

I, M. Lyle Jacobsen, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to travel regulations, amending WAC 82-28-080.

I, M. Lyle Jacobsen, 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 rapid increase in gasoline prices has made the current rate of mileage reimbursement inadequate to completely reimburse state employees for the cost of using their privately-owned vehicles on state business. To delay changing this rate would worsen the situation. This increase has been approved by the Legislature as required by RCW 43.03.060.

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

This rule is promulgated pursuant to RCW 43.03.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 1, 1980.

By Dan Pensula for
M. Lyle Jacobsen
Director

AMENDATORY SECTION (Amending Order 41, filed March 12, 1979)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED AUTOMOBILES. (1) Reimbursement shall be allowed at a rate not to exceed ~~((+6¢))~~ 18 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state Highway Commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by speedometer readings. "Vicinity" miles as determined by speedometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or his designee, the official or employee shall be reimbursed at a rate not to exceed 12¢ per mile.

(3) Reimbursement shall be payable to only one of two or more employees traveling on the same trip in the same automobile.

WSR 80-02-129

PROPOSED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Filed February 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.03.060, that the Office of Financial Management intends to adopt, amend, or repeal rules concerning reimbursement for use of privately-owned automobiles, amending WAC 82-28-080;

that such agency will at 9:00 a.m., Wednesday, March 12, 1980, in Room 2F22, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 12, 1980, in Room 2F22, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.03.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980, and/or orally at 9:00 a.m., Wednesday, March 12, 1980, Room 2F22, Highway Administration Building, Olympia, Washington.

Dated: February 1, 1980

By: Dan Pensula for
M. Lyle Jacobsen
Director

AMENDATORY SECTION (Amending Order 41, filed March 12, 1979)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED AUTOMOBILES. (1) Reimbursement shall be allowed at a rate not to exceed ~~((+6¢))~~ 18 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state Highway Commission map, and the out-of-state mileage on the basis of standard highway

mileage guides or by speedometer readings. "Vicinity" miles as determined by speedometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or his designee, the official or employee shall be reimbursed at a rate not to exceed 12¢ per mile.

(3) Reimbursement shall be payable to only one of two or more employees traveling on the same trip in the same automobile.

WSR 80-02-130

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 1, 1980]

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 apportionment of state funds to school districts for days missed due to unforeseen emergencies, chapter 392-129 WAC;

that such agency will at 9:00 a.m., Tuesday, March 11, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, March 18, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980, and/or orally at 9:00 a.m., Tuesday, March 11, 1980, same as above.

Dated: February 1, 1980

By: Frank Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-005 PURPOSE AND CONSTRUCTION. This chapter shall govern a school district's entitlement to ~~((state equalization apportionment))~~ basic education allocation funds pursuant to RCW 28A.41.170 for any school year during which it is unable to conduct the minimum number of school days and/or program hour offerings required by law for the kindergarten program and/or the grade one through twelve program (or that portion offered by a district) by reason of one or more unforeseen emergencies. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction. The February, 1980 amendments to this chapter shall apply to the 1979-80 school year commencing September 1, 1979 and thereafter except as now or hereafter amended.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-010 DEFINITIONS. As used in this chapter, the term:

(1) "Unforeseen emergency" shall mean a fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God, or any combination of the foregoing, which acts as a principal cause for a school district's inability to conduct one or more

scheduled school days and/or program hour offerings scheduled pursuant to chapter 180-16 WAC.

(2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through ~~((twelfth))~~ twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(3) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth ~~((+4th))~~ and ~~((/or))~~ (b) the use of scheduled vacation days: PROVIDED, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days and program hour offerings accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforeseen emergencies shall have in fact been made up.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-015 SUPERINTENDENT'S DETERMINATION OF ELIGIBILITY. (1) Total district closures. If a reasonable effort has been made to make up all school days and program hour offerings accruing therefrom lost by all the schools in an entire district by reason of one or more unforeseen emergencies, but fewer than the minimum number of school days and program hour offerings accruing therefrom required by law have been conducted, the school district will nevertheless be credited with full annual ~~((equalization apportionment))~~ basic education allocation.

(2) Individual school closures. In the event that a district comprising more than one school is unable to operate a school for the minimum number of school days required by law to be conducted, the district may apply to the superintendent of public instruction or his designee for credit for its full annual basic education allocation. Such application shall be granted only upon a conclusive demonstration by the district to the satisfaction of the superintendent that one or more unforeseen emergencies prevented the district from operating the school. If such conclusive demonstration is provided, the superintendent shall have the discretion to excuse such district from the obligation to make up such school days for that school and the program hours accruing therefrom; however such excuse for that school shall not exceed one scheduled school day per incident nor three scheduled school days per school year.

(3) Whenever a district satisfies the definition of a school day specified in WAC 392-129-010(2) it also shall be deemed to have accrued all hours, as originally scheduled for that day, toward meeting its program hour offerings requirements.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-020 RATE OF REDUCTION IN ANNUAL ((APPORTIONMENT ENTITLEMENT)) BASIC EDUCATION ALLOCATION. For each school day short of the minimum number of school days required by law which a school district fails to conduct by reason of one or more unforeseen emergencies, and/or by reason of any other cause, and for which the school district is not entitled to ~~((apportionment credit))~~ its basic education allocation pursuant to this chapter, the superintendent of public instruction shall reduce the ((equalization apportionment and entitlement)) basic education allocation of the district for that school year by one one-hundred and eightieth ~~((+180th))~~ PROVIDED, That in the case of total district closures. In the case of individual school closures such one hundred and eightieth daily reduction in the district's basic education allocation shall be multiplied by that fraction resulting from dividing the full time equivalent student enrollment of such individual school by the full-time equivalent student enrollment of the district. Kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day and/or program hour offerings requirements and any loss of ~~((apportionment))~~ basic education allocation.

WSR 80-02-131

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 80-1—Filed February 1, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apportionment of state funds to school districts for days missed due to unforeseen emergencies.

I, Frank B. Brouillet, 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 a large number of school districts have missed scheduled school days due to the recent inclement weather. In order to plan the remainder of the school year, these districts must know as soon as possible what rules will govern make-up days. When adopted these rules will change plans districts would have had to make under the previous rules and will facilitate districts' compliances with the 180 school day provisions.

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

This rule is promulgated pursuant to RCW 28A.41-.170 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.170.

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 February 1, 1980.

By Frank Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-005 PURPOSE AND CONSTRUCTION. This chapter shall govern a school district's entitlement to ~~((state—equalization apportionment))~~ basic education allocation funds pursuant to RCW 28A.41.170 for any school year during which it is unable to conduct the minimum number of school days and/or program hour offerings required by law for the kindergarten program and/or the grade one through twelve program (or that portion offered by a district) by reason of one or more unforeseen emergencies. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction. The February, 1980 amendments to this chapter shall apply to the 1979-80 school year commencing September 1, 1979 and thereafter except as now or hereafter amended.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-010 DEFINITIONS. As used in this chapter, the term:

(1) "Unforeseen emergency" shall mean a fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God, or any combination of the foregoing, which acts as a principal cause for a school district's inability to conduct one or more scheduled school days and/or program hour offerings scheduled pursuant to chapter 180-16 WAC.

(2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through ~~((twelfth))~~ twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(3) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth ~~((+4th))~~ and ~~((for))~~ (b) the use of scheduled vacation days: PROVIDED, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days and program hour offerings accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforeseen emergencies shall have in fact been made up.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-015 SUPERINTENDENTS DETERMINATION OF ELIGIBILITY. (1) Total district closures. If a reasonable effort has been made to make up all school days and program hour offerings accruing therefrom lost by all the schools in an entire district by reason of one or more unforeseen emergencies, but fewer than the minimum number of school days and program hour offerings accruing therefrom required by law have been conducted, the school district will nevertheless be credited with full annual ~~((equalization apportionment))~~ basic education allocation.

(2) Individual school closures. In the event that a district comprising more than one school is unable to operate a school for the minimum number of school days required by law to be conducted, the district may apply to the superintendent of public instruction or his designee for credit for its full annual basic education allocation. Such application shall be granted only upon a conclusive demonstration by the district to the satisfaction of the superintendent that one or more unforeseen emergencies prevented the district from operating the school. If such conclusive demonstration is provided, the superintendent shall have the discretion to excuse such district from the obligation to make up such school days

for that school and the program hours accruing therefrom; however such excuse for that school shall not exceed one scheduled school day per incident nor three scheduled school days per school year.

(3) Whenever a district satisfies the definition of a school day specified in WAC 392-129-010(2) it also shall be deemed to have accrued all hours, as originally scheduled for that day, toward meeting its program hour offerings requirements.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-129-020 RATE OF REDUCTION IN ANNUAL ((~~APPORTIONMENT ENTITLEMENT~~)) BASIC EDUCATION ALLOCATION. For each school day short of the minimum number of school days required by law which a school district fails to conduct by reason of one or more unforeseen emergencies, and/or by reason of any other cause, and for which the school district is not entitled to ((~~apportionment credit~~)) its basic education allocation pursuant to this chapter, the superintendent of public instruction shall reduce the ((~~equalization apportionment and entitlement~~)) basic education allocation of the district for that school year by one one-hundred and eightieth ((~~1/180th~~)). ~~PROVIDED, That~~ in the case of total district closures. In the case of individual school closures such one hundred and eightieth daily reduction in the district's basic education allocation shall be multiplied by that fraction resulting from dividing the full time equivalent student enrollment of such individual school by the full-time equivalent student enrollment of the district. Kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day and/or program hour offerings requirements and any loss of ((~~apportionment~~)) basic education allocation.

WSR 80-02-132
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 90—Filed February 1, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of the Nooksack River Watershed and Marine Area 7B to the taking of steelhead trout by treaty Indians, WAC 232-32-120.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-120 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as

the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Nooksack River Watershed and Marine Area 7B pursuant to the reporting system approved by the United States v. Washington, and information from the Lummi and Nooksack Indian Tribes indicates that the treaty share of the harvestable surplus of steelhead in the Nooksack River system and adjacent Marine Area 7B has been reached. Therefore, a closure of the Nooksack River Watershed and Marine Area 7B is necessary to assure non-treaty sports fishermen the opportunity to a share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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 February 1, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-120 CLOSURE OF THE NOOKSACK RIVER WATERSHED AND MARINE AREA 7B TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Nooksack River Watershed and Marine Area 7B: effective 6:00 p.m., February 1, 1980.

WSR 80-02-133
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 91—Filed February 1, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of the Quillayute River Watershed to the taking of steelhead trout by treaty Indians, WAC 232-32-121.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-121 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent

rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Quillayute River Watershed pursuant to the reporting system approved by the United States v. Washington, and information from the Quillayute Indian Tribe indicates that the treaty share of the harvestable surplus of steelhead in the Quillayute River system has been reached on January 29, 1980. Therefore, a closure of the Quillayute River Watershed is necessary to assure non-treaty sports fishermen the opportunity to a share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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 February 1, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-121 CLOSURE OF THE QUILLAYUTE RIVER WATERSHED TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. *It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Quillayute Watershed: effective 6:00 p.m., February 1, 1980.*

WSR 80-02-134
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 92—Filed February 1, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of the Elwha River Watershed to the taking of steelhead trout by treaty Indians, WAC 232-32-122.

1, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-122 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent

rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Elwha River Watershed pursuant to the reporting system approved by the United States v. Washington, and information from the Lower Elwha Klallam Indian Band indicates that the treaty share of the harvestable surplus of steelhead in the Elwha River system has been reached. Therefore, a closure of the Elwha River Watershed is necessary to assure non-treaty sports fishermen the opportunity to a share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and that 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 February 1, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-122 CLOSURE OF THE ELWHA RIVER WATERSHED TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. *It shall be unlawful for all persons to take, fish for or possess steelhead trout with gill net and purse seine gear in the Elwha River Watershed: effective 6:00 p.m., February 1, 1980.*

WSR 80-02-135
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1485—Filed February 1, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Senior citizens services programs—Income and resources, amending WAC 388-17-160.

This action is taken pursuant to Notice No. WSR 79-12-046 filed with the code reviser on 11/26/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.38.030 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) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 16, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1292, filed 5/1/78)

WAC 388-17-160 INCOME AND RESOURCES.

(1) An individual whose income is at or below forty percent of the state median income for a family of four adjusted for family size, as determined by the secretary of H.E.W. and whose resources are at or below the limits specified in this section shall be eligible for services at no cost.

(a) The following shall be disregarded in determining the income and resources of an applicant or recipient:

(i) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(ii) ~~((The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.~~

~~((iii))~~ (iii) The value of the U.S. department of agriculture donated foods (surplus commodities).

~~((iv))~~ (iii) Any benefits received under Title ~~((VH))~~ III C, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

~~((v))~~ (iv) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of Public Law 93-113, the Domestic Volunteer Services Act of 1973.

~~((vi))~~ (v) Any payment received from a foster care agency for children in the home.

~~((vii))~~ (vi) Garden produce~~((-;+))~~, livestock and poultry used for home consumption.

~~((viii))~~ (vii) Any real property held in trust for an individual Indian or Indian Tribe.

~~((ix))~~ (viii) The benefits of a program which by its terms provides that its benefits are exempt from consideration of eligibility in needs programs.

(2) Effective October ~~((+977))~~ 1979, the state median income for a family of four is ~~((+\$16,800))~~ \$20,207. Forty percent is ~~((+\$6,720))~~ \$8,082.

Income tables for forty percent of median income.

Number In Family Unit	Monthly Income	Annual Income
1	(((\$29+)) \$350	(((\$3,492)) \$4,200
2	(((\$38+)) 458	(((\$4,572)) 5,496
3	(((\$47+)) 566	(((\$5,652)) 6,792
4	(((\$56)) 674	(((\$6,720)) 8,088
5	(((\$65)) 781	(((\$7,800)) 9,372

For each additional family household member, add \$15 for monthly income, or \$180 for annual income.

(3) Income means any real or personal property in cash or kind received by an applicant or recipient after applying for the senior citizens services program which is available to meet the requirements of the applicant or recipient and his or her dependents.

(4) Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

(a) The following resources, regardless of value, shall not be considered in determining the value of an applicant's or recipient's resources:

(i) A home and lot normal for the community.

(ii) Used and useful household furnishings, personal clothing, and automobiles.

(iii) Personal property of great sentimental value.

(iv) Personal property used by the applicant or recipient to earn income or to rehabilitate himself/herself.

(v) One cemetery plot for each member of the family unit.

(vi) Cash surrender value of life insurance.

(b) The total value of all other resources including cash, marketable securities, and real or personal property shall not exceed \$10,000.00 for a single person or \$15,000.00 for a family of two. This maximum shall be increased by \$1,000.00 for each additional member of the household.

WSR 80-02-136
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1486—Filed February 1, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Rep ch. 275-15 WAC Facilities for treatment of alcoholism.
New ch. 275-19 WAC Alcoholism treatment facilities.

This action is taken pursuant to Notice No. WSR 79-12-117 filed with the code reviser on 12/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.96A-.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 30, 1980.

By N. S. Hammond
Executive Assistant

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC

275-15-010	Purpose
275-15-020	Facility service
275-15-030	Definitions
275-15-040	Department approval and accrediting procedures
275-15-050	Suspension, revocation, or restriction of approval and accreditation
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Chapter 275-19 WAC**ALCOHOLISM TREATMENT FACILITIES****NEW SECTION**

WAC 275-19-010 PURPOSE. Rules and regulations relating to alcoholism treatment facilities are hereby adopted pursuant to chapter 70.96A RCW. The purpose is to provide standards and procedures for departmental approval of public and private alcoholism treatment facilities, to fix fees to be charged by the department for inspections of approved facilities or facilities seeking approval, and to set forth rules for the acceptance of persons into approved public treatment programs.

NEW SECTION

WAC 275-19-020 FACILITY SERVICES. (1) Alcoholism facilities may be approved by the department pursuant to these rules and regulations to provide the following services:

(a) Alcohol detoxification services are those services required for the care and/or treatment of persons intoxicated or incapacitated by alcohol during the period in which the person recovers from the transitory effects of acute intoxication.

(b) Alcoholism intensive inpatient treatment services are those services provided to the detoxified alcoholic in a structured residential setting.

(c) Alcoholism long-term treatment services are those services provided on a long-term basis (ninety days or more) in a residential care setting with personal care services for alcoholics with impaired self-maintenance capabilities who need personal guidance and assistance to maintain sobriety and good health.

(d) Alcoholism recovery house services are those services that provide an alcohol-free residential setting with social and recreational activities for detoxified alcoholics to aid their adjustment to sobriety and their engagement in occupational training, gainful employment or other types of community activities.

(e) Alcoholism outpatient treatment services are a variety of diagnostic and primary alcoholism treatment services provided according to a prescribed plan in a nonresidential setting.

(f) Information and referral services provide a community-based resource for information concerning alcohol, alcohol abuse and alcoholism; assess the individual's and/or family's involvement with alcohol, assist the individual and/or family in designing a continuum of care and coordinate referrals to and from the appropriate alcoholism treatment programs or other community resources.

(g) Alcohol information school provides the individual student with information regarding the use and abuse of alcohol and attempts to motivate the individual with a drinking problem to evaluate the problem and seek treatment.

(h) Emergency service patrol services are those services which give assistance in the streets and in other public places to persons who are intoxicated.

(2) A facility may be approved for more than one service if the facility complies with the specific requirements for approval of each service provided.

NEW SECTION

WAC 275-19-030 DEFINITIONS. For the purpose of these rules and regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) The meaning of all adjectives and adverbs such as adequate, approved, competent, substantial, qualified, necessary, reasonable, satisfactory, sufficiently, effectively, appropriately, or suitable used in these rules and regulations to qualify a person, a procedure, equipment, or buildings shall be determined by the Washington state department of social and health services.

(2) "Administrator" means the individual appointed as the chief executive officer by the governing body of a facility to act in its behalf in the overall management of the alcoholism treatment facility.

(3) "Alcoholic" means a person with alcoholism.

(4) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages or the consumption of alcoholic beverages to the extent that a person's health is substantially impaired or endangered or his social and economic function is substantially disrupted.

(5) "Alcoholism counselor" means a person who is knowledgeable about the nature and treatment of alcoholism, is knowledgeable about community resources which provide services alcoholics may need, knows and understands the principles and techniques of alcoholism counseling and is skilled in the application of these principles and techniques.

(6) "Alcoholism treatment facility" means a hospital, sanitarium, treatment center or other place whose primary function is the treatment of alcoholism and/or alcohol abuse.

(7) "Approved" means having met the standards of the department contained in these rules and regulations and having been approved pursuant to RCW 70.96A.090.

(8) "Approved public treatment facility" means a treatment facility which is operated under the direction and control of the department, or a treatment facility which is providing treatment for the department either through contract with the department or through a county subcontract, that has been approved by the department pursuant to these rules and regulations and chapter 70.96A RCW.

(9) "Approved treatment facility" means an alcoholism treatment facility, either public or private, profit or nonprofit which has been approved by the department pursuant to these rules and regulations and chapter 70.96A RCW.

(10) "Cancel" means a permanent invalidation of the approval of an alcoholism treatment facility.

(11) "Client" means any person receiving services for the treatment of an alcohol-related problem.

(12) "Counseling, individual" means an interaction between an alcoholism counselor and a client.

(13) "Counseling, group (or group therapy)" means an interaction between two or more clients, and an alcoholism counselor(s).

(14) "Detoxification" means care and treatment of an intoxicated person during the period in which the person recovers from the transitory effects of acute intoxication.

(15) "Detoxified" means withdrawn from the consumption of alcohol and recovered from the transitory effects of intoxication and any associated acute physiological withdrawal reactions.

(16) "Department" means the Washington state department of social and health services.

(17) "Facilities" means rooms, areas and equipment to serve a specific function.

(18) "Governing body" means the individual or group which is legally responsible for the conduct of an alcoholism treatment facility.

(19) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, has his or her judgment so impaired that he or she is incapable of realizing what his or her condition is and making a rational decision with respect to the need for treatment and constitutes a danger to him or herself, to any other person or to property.

(20) "Inpatient" means a client to whom the alcoholism treatment facility is providing treatment, including room and meals, on a 24-hour basis.

(21) "Intoxication" means acute alcohol poisoning or temporary impairment of a person's mental or physical functioning caused by alcohol in his/her body.

(22) "Intoxicated" means in the state of intoxication.

(23) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" is a person duly licensed under the provision of the Licensed Practical

Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provision of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(24) "May" means permissive.

(25) "Modified medical detoxification" is detoxification service provided to individuals for whom the consequences of withdrawal from alcohol are so severe as to merit assistance with medication, usually tranquilizers or sedative hypnotics.

(26) "Outpatient" means a client to whom the alcoholism treatment facility does not provide room or meals on a 24-hour-a-day basis.

(27) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(28) "Provisional approval" means a status of approval granted to alcoholism treatment facilities which are requesting approval for the first time in order to provide them with the time to develop policies, procedures, files and program outlines required by chapter 275-19 WAC.

(29) "Qualified alcoholism counselor" means an alcoholism counselor who meets the following minimum requirements:

(a) Have no history or substantial evidence of alcohol or other drug misuse for a period of two years immediately prior to the time of employment as a qualified alcoholism counselor and no misuse of alcohol or other drugs while a qualified alcoholism counselor.

(b) Specialist I—A qualified alcoholism counselor, Specialist I, shall possess these qualifications:

(i) A high school diploma or equivalent.

(ii) Two thousand hours (approximately one year) of supervised work experience, in a counseling capacity, in an approved alcoholism agency or facility. (May include hours spent in supervised field experience under academic supervision.)

(iii) Satisfactory completion of a minimum of 12 quarter credits or 8 semester credits of course work in an accredited institution of higher learning (college or university), of which (i) at least 6 quarter (4 semester) credits must be in specialized alcoholism courses, and (ii) the remaining 6 (4 semester) credits may be in either such courses or in counseling, psychology, sociology, or social work.

(c) Specialist II—A qualified alcoholism counselor, Specialist II, shall possess these qualifications:

Education and experience, as described in Option A or Option B:

Option A:

(i) A bachelor's degree from an accredited college or university; and

(ii) A minimum of 12 quarter (8 semester) credits of specialized alcoholism courses in an accredited college or university, exclusive of field experience; and

(iii) Two thousand hours (approximately one year) of supervised work experience in a counseling capacity, in an approved alcoholism agency or facility. (May include hours spent in supervised field experience under academic supervision.)

Option B:

(i) Qualified as an alcoholism counselor, Specialist I, and, thereafter;

(ii) Two years of successful full-time experience with duties comparable to those of an Alcoholism Counselor, Specialist I, in an approved alcoholism facility; and

(iii) A minimum of 12 quarter (8 semester) credits in specialized alcoholism courses, which may include those under (b)(iii)(i) of this subsection for Alcoholism Counselor, Specialist I.

(d) Complete the following education every two years of employment.

(i) A minimum of 3 quarter (2 semester) credits, granted by a college or university, in subject areas that will increase the counselor's knowledge and skills in counseling and aiding the alcoholic to recover; and

(ii) A minimum of two short courses, retreats, or workshops directly relating to alcoholism or alcoholism and other drug dependences. Inservice training does not satisfy this requirement.

(e) Meet the knowledge and competence requirements in the document "Guidelines for Qualifications of Alcoholism Counselors" published by the office on alcoholism.

(f) If a counselor is certified as an alcoholism counselor by the Alcoholism Certification Board of the Alcoholism Professional Staff Society of Washington State or the Northwest Indian Alcoholism Drug Specialists Certification Board, it is presumed that he/she is a qualified alcoholism counselor so long as these certification boards maintain standards of practice that equal or exceed guidelines published by the office on alcoholism.

(30) "Residential facilities" means facilities that provide board and room as part of their treatment program.

(31) "Revoke" means a permanent invalidation of the approval of an alcoholism treatment facility.

(32) "Secretary" means the secretary of the Washington state department of social and health services or his/her designee.

(33) "Shall" means compliance is mandatory.

(34) "Should" means compliance is suggested or recommended but is not required.

(35) "Social setting detoxification" is detoxification service provided to individuals in a supportive, homelike environment within which a person can recover from the effects of intoxication. Prescription medication is not provided for the management of withdrawal discomfort.

(36) "Substantial compliance" means being in conformity with the requirements of the major components of each section of chapter 275-19 WAC which applies to the class or classes of alcoholism treatment services for which an alcoholism treatment facility is approved or has applied for approval.

(37) "Suspend" means invalidation of the approval of an alcoholism treatment facility for any period less than one calendar year or until the agency is notified of reinstatement.

NEW SECTION

WAC 275-19-040 DEPARTMENT APPROVAL AND ACCREDITING PROCEDURES. (1) Alcoholism treatment facilities seeking department approval of

one or more of the services listed in WAC 275-19-020 shall submit written application to the chief of the office on alcoholism of the department on a form provided by the office on alcoholism.

(2) Such application shall include a detailed description of the facility, personnel and programs to be provided.

(3) The application shall be supported by:

(a) A letter from the applicant, including supporting information and statistics, showing that there is a need in the county for the type of facility services requested in the application.

(b) If applicable, evidence that the facility has met the certificate of need rules and regulations as required by chapter 248-19 WAC.

(4) (a) The applicant shall send a written notice to the county alcoholism administrative board in each county where services are to be provided giving the date of the application and the classes of service for which approval is being requested. A copy of the notice shall be submitted to the office on alcoholism.

(b) The county alcoholism administrative board may respond in writing, and within sixty days of receipt of the notice of the application, to the office on alcoholism giving their recommendation on the application and documenting the need, or lack of need, for the additional alcoholism treatment services in the county. If the office on alcoholism does not receive a response from the county alcoholism administrative board within the sixty-day period, the office shall proceed in processing the application without said response.

(5) Copies of all written documents required by these rules and regulations and not developed for the purpose of caring for or treating a particular client shall be submitted to the chief of the office on alcoholism or his/her designee for department review prior to inspection of a facility.

(6) If written documents submitted to the department do not meet the requirements of these rules and regulations and/or do not validate the need for the services requested in the application, the office on alcoholism shall notify the applicant agency in writing. The applicant agency shall have thirty days to respond in writing to the contents of the notice. If a response is not received within thirty days, the chief of the office on alcoholism or his/her designee may refuse to grant approval and shall notify the applicant agency in writing of the action taken. If written documents submitted to the department do meet the requirements of these rules and regulations, the chief of the office on alcoholism or his/her designee shall have the facility inspected to ensure compliance with the requirements of these rules and regulations and chapter 70.96A RCW. After inspection the chief of the office on alcoholism or his/her designee shall either approve the facility to provide one or more of the services listed in WAC 275-19-020 or refuse to grant approval. The chief of the office on alcoholism or his/her designee shall send written notification of department approval of the facility as an approved alcoholism treatment facility or shall send written notification of the deficiencies which resulted in the refusal to grant approval.

(7) The department may grant provisional approval to alcoholism treatment facilities when department staff are unable to determine without a period of operation whether the facility will comply with chapter 70.96A RCW and these rules and regulations. Provisional approval shall expire automatically after six months and may not be renewed. Such expiration shall not be considered a suspension or revocation pursuant to WAC 275-19-050.

(8) (a) The secretary or his/her designee may, at his/her discretion, exempt an alcoholism treatment facility from compliance with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without jeopardizing the safety or health of the clients in the particular alcoholism treatment facility.

(b) All exemptions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the department of social and health services and the alcoholism treatment facility.

(9) The chief of the office on alcoholism or his/her designee shall issue an annual certificate of approval to those approved alcoholism treatment facilities which remain in substantial compliance with these rules and regulations and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-050 SUSPENSION OR REVOCATION OF APPROVAL. (1) Each approved public or private treatment facility shall file with the department within thirty days of request, data, statistics, schedules, and information the department reasonably requires.

(2) Failure to be in substantial compliance with the requirements of chapter 70.96A RCW or these rules and regulations shall constitute grounds for the suspension or revocation of the approval in accordance with RCW 34.04.170.

(3) The department may cancel approval if an agency ceases to provide the class or classes of services for which it has been approved.

(4) When the department intends to suspend, revoke or cancel approval, the chief of the office on alcoholism or his/her designee shall have served upon the approved treatment facility a notice of intent to suspend, revoke or cancel their approval. Such notice shall provide for an administrative hearing and meet the requirements of RCW 34.04.090. The subsequent hearing and judicial review shall follow administrative procedures as specified in the Administrative Procedure Act, chapter 34.04 RCW and the rules and regulations promulgated thereunder.

NEW SECTION

WAC 275-19-060 INSPECTIONS. (1) Any approved public or private treatment facility and any facility seeking departmental approval shall be open to departmental inspection. The facility, its programs, including all individual and group counseling sessions with clients and general records of operation, shall be open

for inspection in accordance with federal and state confidentiality laws by the department upon request. Such records shall include all policy and procedure documents required herein, personnel records, clinical records, fiscal records, meeting minutes and such other documents as may be needed to verify the provision of services and compliance with these regulations. Department inspection may be made during any time in which the facility is serving clients, provided, that such inspection shall not unduly disrupt client activity. Inspections shall be reasonably calculated to check substantial compliance with these rules and regulations, and chapter 70.96A RCW.

(2) All facilities shall pay a fee of fifty dollars for an inspection. Only one such inspection fee shall be charged during any calendar year, regardless of the number of inspections which may be made.

NEW SECTION

WAC 275-19-070 ALL FACILITIES—AVAILABILITY OF SERVICES. (1) Approved alcoholism treatment facilities shall provide services to persons with alcohol and alcohol-related problems or to their families without regard to race, color, creed, national origin, religion, sex, sexual preference, age or handicap.

(2) Services for men and women shall reflect an awareness of the special needs of each gender. All residential facilities shall provide equivalent, clearly defined, and well supervised sleeping quarters and bath accommodations for the male and female clients.

NEW SECTION

WAC 275-19-075 ALL FACILITIES—CLIENTS' RIGHTS. (1) All approved alcoholism treatment facilities shall take reasonable efforts to assure the right of each client to:

(a) Be treated in a manner that promotes dignity and self-respect.

(b) Be treated without regard to race, color, creed, national origin, religion, sex, sexual preference, or age.

(c) Be treated without regard to physical or mental disability unless such disability makes treatment afforded by the facility nonbeneficial or hazardous.

(d) Be protected from invasion of privacy: PROVIDED, That, reasonable searches may be conducted to detect and prevent contraband from being brought in or possessed on the premises.

(e) Have all clinical and personal information treated confidentially in communications with individuals not directly associated with the approved alcoholism treatment center.

(f) Review his or her own treatment record with a treatment staff person upon request.

(g) Be fully informed regarding fees to be charged and methods of payment available.

(h) Be provided reasonable opportunity to practice the religion of his or her choice, alone and in private, insofar as such religious practice does not infringe on the rights and treatment of others, or the treatment program. The client also has the right to be excused from any religious practice.

(i) Not be denied communication with significant others in emergency situations.

(j) Not be subjected by facility staff to physical abuse, corporal punishment, or other forms of abuse administered against their will including being denied food, clothing or other basic necessities.

(2) Policies and procedures for the review of client grievances regarding these rights and agency decisions affecting the client's welfare or status as a client shall be adopted and adhered to.

NEW SECTION

WAC 275-19-080 ALL FACILITIES—FACILITIES STANDARDS. (1) The building(s) provided by alcoholism treatment facilities shall meet all applicable state and county requirements.

(2) Room for group and subgroup activities will be provided.

(3) There shall be private space for personal consultation.

(4) Medications shall be secured and dispersed in accordance with the requirements of chapter 248-22 WAC.

NEW SECTION

WAC 275-19-090 ALL FACILITIES—COURT COMMITMENTS. (1) In the event a client, who has been committed to a treatment program per chapter 70.96A RCW, leaves the facility without authorization, that fact shall be promptly reported to the committing authority.

(2) In the event that a client demonstrates a continuing inability or unwillingness to properly participate in and benefit from treatment programs, after due consultation with the client and with the referral or committing source, the client may be referred or transferred to an alternative source of treatment, or be discharged as appropriate.

(3) Approved private treatment facilities may accept court-ordered commitments on whatever conditions deemed appropriate by the facility.

NEW SECTION

WAC 275-19-100 ALL FACILITIES—PURPOSE AND APPLICABILITY. (1) The purpose of WAC 275-19-100 through 275-19-199 is to provide standards for administrative procedures, personnel, records, and case management for all approved alcoholism treatment facilities.

(2) All approved alcoholism treatment facilities shall meet the provisions of WAC 275-19-110 through 275-19-199.

NEW SECTION

WAC 275-19-110 ALL FACILITIES—GOVERNING BODY. (1) A facility providing alcoholism treatment services shall have an effective governing body which is legally responsible for the conduct of the alcoholism service or services provided.

(2) A governing body shall:

(a) Adopt bylaws which establish a mechanism for selection of officers and members of the governing body.

(b) Maintain a current job description for the position of administrator which delineates the qualifications for and the responsibilities of the position.

(c) Establish the philosophy and overall objectives for the alcoholism treatment facility and each distinct part thereof.

(d) Adopt administrative policies which establish the mechanism for delegation of responsibility and accountability for operation and maintenance of the alcoholism treatment facility.

(e) Adopt policies for the care of clients in the facility and every distinct part thereof. These policies shall govern the admission of clients, the length of treatment, the type and scope of services provided to clients, and the transfer or discharge of clients, and shall provide for a continuing evaluation of the alcoholism treatment program(s).

(f) Provide for the personnel, facilities, equipment, supplies and special services which are necessary to clients' needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(g) Review and approve written personnel policies.

(3) The bylaws, job description for the administrator, philosophy and objectives, administrative policies and policies regarding the care of clients shall be consistent with applicable federal and state laws and regulations. They shall be written, current, dated and signed by officers of the governing body, and readily available to all members of the governing body and other persons in accordance with their responsibilities or involvement in implementation.

NEW SECTION

WAC 275-19-120 ALL FACILITIES—ADMINISTRATION. (1) The administrative organization shall assure free-flow of clinical and managerial information and shall facilitate the delivery of services.

(2) There shall be a policies and procedures manual that describes in detail the program services and includes all policies and procedures required by these rules and rule 2.17, of Title 42 Code of Federal Regulations (42 CFR) Part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records). This manual shall be available to all staff members.

(3) The lines of authority and responsibility shall be explicitly stated in writing and shall delineate all staff positions, including volunteers.

(4) The administrative organization shall develop a plan for coordination of efforts and interfacing with other community agencies, public and private, comprising the county alcoholism services system and ancillary services.

NEW SECTION

WAC 275-19-130 ALL FACILITIES—ADMINISTRATOR. (1) There shall be a chief administrator at least twenty-one years of age who is directly responsible for the operation of the alcoholism treatment facility.

(2) The administrator shall possess the knowledge and skills in fiscal accounting, personnel management, and other administrative functions necessary to provide adequate supervision to the facility.

(3) At any time the administrator is not on duty or on call, there shall be a person on duty or on call to whom the administrator has delegated the authority and responsibility to act in his/her stead. Any person to whom the administrator's authority and responsibility are delegated shall be a competent person at least twenty-one years of age who is not currently a client of the facility.

(4) The administrator shall establish and maintain a current written plan of organization which includes all positions and delineates the function, responsibilities, authority, and relationships of all positions, including volunteers, within the alcoholism treatment facility.

(5) The administrator shall ensure that written policies and procedures are developed, review and revised as necessary to keep them current. They shall be dated and signed by the administrator having responsibility for approval of the policies and procedures.

NEW SECTION

WAC 275-19-140 ALL FACILITIES—PERSONNEL. (1) There shall be sufficient qualified alcoholism counselors, clerical and other support staff who are not of the present client population, to ensure the attainment of program service objectives and properly maintain the alcoholism treatment facility. This shall not preclude the assignment of work to a client when the assignment is part of the client's treatment program, the client's work assignment has therapeutic value, and the client works under the immediate supervision of a member of the staff.

(a) Personnel employed as alcoholism counselors shall be qualified alcoholism counselors as defined in WAC 275-19-030; or

(b) There shall be an individualized training and educational plan developed for any person employed as an alcoholism counselor who is not a qualified alcoholism counselor as defined in WAC 275-19-030. This training and educational plan shall be designed to bring the individual up to the required standards within two years from the date of employment as an alcoholism counselor.

(2) All staff members who have contact with clients and the public shall have adequate training regarding alcoholism and alcohol abuse.

(3) There shall be a written job description for each position classification within the facility.

(a) Each job description shall include: The job title, the definition of the position, the title of the immediate supervisor, a summary of the duties and responsibilities and the minimum qualifications.

(b) Qualifications listed in a job description shall include the education, training, experience, knowledge and special abilities required for the position.

(c) The appropriate job description shall be explained to each employee, and shall be used thereafter as one of the means for evaluating the individual's performance.

(d) The job descriptions shall be dated and shall be reviewed and revised so they are kept current.

(4) There shall be an education program which affords each employee opportunity to develop the competencies needed to perform the duties and responsibilities assigned to him or her.

(a) A planned, supervised, orientation shall be provided to each new employee to acquaint him or her with the organization of the facility, physical plant layout, his or her particular duties and responsibilities, the policies, procedures, and equipment which are pertinent to his or her work and the disaster plan for the facility.

(b) A planned training program shall be provided to any employee who has not been prepared for his or her job responsibilities through completion of a formal education program.

(c) A record shall be maintained of the orientation, on-the-job training, and continuing education received by the employee. The data contained in this record shall be sufficient to allow determination whether or not the employee has received training or education necessary for the performance of his or her functions.

(5) Each employee shall have a tuberculin test upon employment and thereafter in accordance with the guidelines laid out in chapter 248-22 WAC.

(6) Employees with a communicable disease in an infectious stage shall not be on duty.

(7) For each employee there shall be a current personnel record which includes the following:

(a) An application form, which includes or is supplemented by a resume indicating the employee's education, training, and work experience.

(b) Verification of the employee's professional, technical, or vocational education or training.

(c) A copy of the employee's current job description which has been signed and dated by the employee.

(d) A copy of a current and valid license, certificate, or permit for any employee for whom a license, certificate or permit is required.

(e) Written performance evaluations for the initial six months of employment and for each year of employment thereafter. The completed evaluation form shall be signed and dated by the evaluator and the employee.

(f) Evidence of adequate health supervision including a record of tuberculin skin tests or chest X-rays, and accidents occurring on duty.

(g) A copy of the employee's individualized training and education plan.

(h) A current record of all training and education which the employee has completed since the date of employment.

(i) An assurance of confidentiality statement which has been signed and dated by the employee.

NEW SECTION

WAC 275-19-150 ALL FACILITIES—STUDENT PRACTICE. If an alcoholism treatment facility provides a setting for student practice in a formal educational or training program, there shall be a written agreement with the educational agency or institution concerned. This agreement shall define the nature and scope of student activities within the facility, and ensure supervision of student activities in the interest of clients' welfare.

NEW SECTION

WAC 275-19-160 ALL FACILITIES—VOLUNTEERS. (1) Volunteers may be used in an alcoholism treatment facility as a staff supplement where their participation is positive and productive in relation to the treatment philosophy. They shall show a strong commitment to the philosophy of the program and meet certain criteria in terms of understanding, dependability and attitude.

(2) Volunteers working in treatment staff roles (counselors, counselor aides, co-therapists, etc.) should have at least one year of continuous freedom from the abuse of alcohol or other substances.

(3) There shall be a brief but comprehensive orientation program for all volunteers.

(4) Programs using volunteers shall have a written plan describing how volunteers will be utilized and a written work description for each position fill by a volunteer.

(5) Volunteers working in treatment staff roles shall be directly supervised by a qualified alcoholism counselor.

NEW SECTION

WAC 275-19-170 ALL FACILITIES—RECORDS. (1) All alcoholism treatment facilities shall have an accurate and complete record system which:

(a) Provides for maintenance of a current and complete record for each client.

(b) Provides a systematic method of identifying and filing client's records so each record can be located readily.

(c) Ensures confidentiality of patients' case records by storing and handling them under conditions which meet all pertinent federal, state and local regulations governing such records.

(d) Includes all required state and county data.

(e) Reflect all financial transactions of the facility. The accounting system shall meet all federal, state and county requirements.

(2) Client file records required in this section shall be retained by the treatment facility for a minimum of five years following the discharge or transfer of the client.

In the event an approved alcoholism treatment facility is closed, clinical records may be forwarded to any other approved alcoholism treatment center with the client's consent. Clinical records still subject to minimum retention requirements, where client consent is not obtained, shall be sealed and labeled as follows: "Records of (insert name of approved alcoholism treatment facility) required to be maintained pursuant to WAC 275-19-170, until a date not later than December 31, (insert year)." Sealed records shall be forwarded to the department, and shall be disclosed only under such circumstances and to such extent as would be permissible for the program in which they originated. The department shall destroy the records as soon as possible after the date specified on the label.

(3) Residential facilities shall have individual case records which include:

(a) Identifying sociological data including the client's full name, sex, birthdate, social security number, and home address.

(b) Date of admission.

(c) The name, address, and telephone number of the client's next of kin or other responsible person.

(d) The name, address, and telephone number of the client's personal physician, if any.

(e) A record of the evaluation and assessment of each client's involvement with alcohol.

(f) A record of observations of the client's condition.

(g) Progress notes on response to care and treatment which relate to the treatment plan and note all significant events during treatment.

(h) A record of a client's signed voluntary admission and consent to care and treatment or a commitment record.

(i) At completion of treatment, a discharge summary which includes the date of discharge, and a summary of the client's progress in meeting the goals and objectives in the treatment plan.

(j) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(k) Each entry in a client's record shall be dated and shall be authenticated by the signature of the person making the entry.

(4) Outpatient treatment facilities shall have individualized case records which include the following:

(a) Identifying sociological data including the client's full name, sex, birthdate, social security number, and home address.

(b) The date the client entered treatment.

(c) The name, address and telephone number of the client's next of kin or other responsible person.

(d) The name, address, and telephone number of the client's personal physician, if any.

(e) A record of the evaluation and assessment of the clients' involvement with alcohol.

(f) Progress notes on the client's response to treatment which relate to the treatment plan and note all significant events during treatment.

(g) The client's voluntary signed consent to treatment.

(h) A record of referral or transfer which shall include the date and place of said referral or transfer.

(i) At completion of treatment, a discharge summary which includes the date of discharge, and a summary of the client's progress in meeting the goals and objectives in the treatment plan.

(j) Each entry in a client's record shall be dated and shall be authenticated by the signature of the person making the entry.

(k) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(5) Information and referral facilities shall have individual case records which include:

(a) Identifying sociological data including the client's full name, sex, birthdate, social security number, and home address.

(b) The date of contact(s).

(c) A record of the client's problem statement.

(d) A record of the client's problem assessment.

(e) A record of any referral.

(f) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(g) Each entry in a client's record shall be dated and shall be authenticated by the signature of the person making the entry.

(6) Alcohol information schools shall have individual case records which include:

(a) Identifying sociological data including the client's full name, sex, birthdate, social security number, and home address.

(b) Dates in attendance.

(c) Source of referral.

(d) A record of the assessment of the client's involvement with alcohol.

(e) A record of any referral.

(f) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(g) Each entry in a client's record shall be dated and shall be authenticated by the signature of the person making the entry.

(7) Emergency service patrols shall maintain a log which includes:

(a) The time and origin of the call received.

(b) The time of arrival at the scene.

(c) The location of the pickup.

(d) The name, sex and the race of the person transported.

(e) The destination of transport (either home or detox facility).

(f) The time of transport completion.

(g) In nonpickup cases, notation shall be made of the reason why said pickup was not made.

(h) Each entry in the log shall be dated and shall be authenticated by the signature of the person making the entry.

NEW SECTION

WAC 275-19-180 RESIDENTIAL AND OUTPATIENT FACILITIES—CASE MANAGEMENT.

(1) For each client there shall be a case manager who will be responsible for completeness of records and documentation of progress toward an attainment of the treatment objectives.

(2) Case managers shall be:

(a) Qualified alcoholism counselors in all intensive inpatient, long-term treatment, recovery house, and outpatient facilities.

(b) Qualified alcoholism counselors or licensed nurses in detoxification facilities.

(3) The treatment rationale will be designed to achieve total abstinence for all diagnosed alcoholics.

(4) For each client, there shall be an individualized treatment plan which is designed to help the person understand and overcome his or her illness and which takes

into account the person's current health status; any medical treatment prescribed; and the client's physical, mental, emotional, and social needs. The client shall be encouraged to participate in developing the treatment plan to the extent he or she is able. The plan shall establish specific, time-linked treatment objectives leading toward a responsible, independent life style and the termination of services.

(5) The case manager shall review each active case in his or her caseload regularly to ensure that the treatment plan is valid and that there is movement toward treatment goals.

(a) Case managers in detoxification facilities shall review each active case at least once daily.

(b) Case managers in intensive inpatient facilities shall review each active case at least once each week.

(c) Case managers in long-term, recovery house and outpatient alcoholism treatment facilities shall review each active case at least once each month.

(d) Case managers shall be responsible to follow up on clients who have missed appointments and to pursue all opportunities to keep the client in treatment.

(6) Concurrent drug abuse patterns or tendencies toward other drug abuse shall be explored in each client. The client shall be warned of the danger of mixing drugs and alcohol, and be warned of the tendency to cross-addiction.

(7) Support services to help modify the client's life style might include but are not limited to the following:

(a) Alcoholics Anonymous affiliation;

(b) Psychological or psychiatric guidance and/or counseling;

(c) Special programs for specific or minority groups;

(d) Occupational therapy;

(e) Vocational rehabilitation;

(f) Recreational therapy and vocational development;

(g) Spiritual/philosophical counseling and guidance;

(h) Activity/socialization programs.

(8) Medical backup procedures should be available to provide:

(a) Hospital services to meet life-threatening situations to clients;

(b) Consultation for a nonmedical staff;

(c) Psychiatric and/or psychological consultation.

(9) Any treatment that includes Antabuse shall be supervised by a qualified alcoholism counselor and shall meet the requirements for the self-administration of drugs as required in chapter 248-22 WAC unless administered by a licensed nurse acting under a physician's orders.

NEW SECTION

WAC 275-19-190 TREATMENT REGISTER—RESIDENTIAL FACILITIES. All residential treatment facilities shall have a permanent, current register of all persons admitted for care or treatment. This shall include the following data for each person: Date of admission, full name, address, date of discharge or transfer, and the name and address of the place to which discharged or transferred. Data on clients shall be entered into the register in chronological order according to the date and time of admission. When an alcoholism

treatment facility provides more than one category of alcoholism treatment service, there shall be a separate register for each distinct part of the facility.

NEW SECTION

WAC 275-19-200 ALL DETOXIFICATION SERVICES—PURPOSE. The purpose of WAC 275-19-200 through 275-19-299 is to provide program standards and procedures for residential facilities offering detoxification services to individuals incapacitated and/or intoxicated by alcohol as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism detoxification services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-299 and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-210 ALL DETOXIFICATION SERVICES—CLIENTS. (1) Admission of clients to an alcoholism detoxification facility shall be limited to persons who need detoxification services and do not manifest signs and symptoms of a condition which warrants acute care and treatment in a hospital.

(2) Detoxification services shall be provided by approved public treatment facilities providing detoxification services to all incapacitated persons unless uncontrollable because of violent behavior.

NEW SECTION

WAC 275-19-220 ALL DETOXIFICATION SERVICES—GENERAL. There shall be an organized treatment program and staff which shall provide the following services:

(1) Screening of each person prior to admission to determine whether he or she manifests signs or symptoms of serious illnesses or severe trauma which warrant acute care and treatment in a hospital and whether he or she needs detoxification.

(2) Detoxification of intoxicated persons.

(3) Counseling of alcoholics regarding their illness.

(4) Referral of detoxified alcoholics to other appropriate alcoholism treatment programs.

(5) Adequate transportation to clients to meet the requirements of RCW 70.96A.110(4).

NEW SECTION

WAC 275-19-230 ALL DETOXIFICATION SERVICES—ADMISSION SCREENING. There shall be policies and procedures covering the screening of persons prior to admission. There shall be designed to insure that any screening is done by a person who is knowledgeable about alcoholism, skilled in observation and in eliciting information pertinent to assessment of a health problem, and competent to recognize significant signs and symptoms of illness or trauma.

NEW SECTION

WAC 275-19-240 ALL DETOXIFICATION SERVICES—COUNSELING. (1) There shall be on

staff at least one qualified alcoholism counselor and such additional qualified counselors as necessary to provide the alcoholism counseling services needed by clients. The alcoholism treatment facility may meet this requirement by having in effect a written agreement with another approved alcoholism treatment facility.

(2) Counseling services shall be designed to facilitate motivation of the person to accept referral into a continuum of care for alcoholism.

NEW SECTION

WAC 275-19-250 ALL DETOXIFICATION SERVICES—SOCIAL AND RECREATIONAL ACTIVITIES. There shall be definite provision for social and recreational activities to promote and assist a client's engagement in normal activities in accordance with his or her interests, needs and potential. Such service may be provided by a day room or lounge in which persons can watch television, participate in games, or engage in social and recreational activities.

NEW SECTION

WAC 275-19-260 ALL DETOXIFICATION SERVICES—DISCHARGE AND REFERRAL. Clients discharged shall be referred to an approved alcoholism treatment facility when appropriate and/or other health care facility when necessary. The client should be assisted to these agencies or to his or her home when necessary.

NEW SECTION

WAC 275-19-270 MODIFIED MEDICAL DETOXIFICATION—ADDITIONAL REQUIREMENTS. Any alcoholism treatment facility which provides modified medical detoxification services shall comply with the following additional requirements:

(1) The client's physical and health care needs shall be met by practices that meet the standards set forth in chapter 248-22 WAC. The facility may provide juices, snack foods and other like foods capable of being ingested by a person undergoing detoxification in lieu of formal menus as specified in chapter 248-22 WAC.

(2) All personnel other than physicians and licensed nurses who are providing client care in the absence of licensed physicians or nurses in the facility shall possess a valid and current red cross card or certificate for first aid and cardiopulmonary resuscitation or the equivalent.

NEW SECTION

WAC 275-19-280 SOCIAL SETTING DETOXIFICATION—ADDITIONAL REQUIREMENTS. Alcoholism treatment facilities which provide social setting detoxification services shall comply with the following additional requirements:

(1) The physical plant and equipment of social detoxification facilities shall meet the requirements set forth in chapter 248-22 WAC.

(2) No more than twenty clients shall be served in any one facility.

(3) The facility shall be located within five miles driving distance of a hospital or shall have physician trained mobile intensive care paramedic services as defined in chapter 248-19 WAC available within ten minutes.

(4) The facility shall be located in an area which is properly drained and is served by a street which is usable under all weather conditions.

(5) Each client shall be provided equipment, supplies and assistance he or she needs to maintain his or her personal comfort, cleanliness and grooming. Each client shall be provided at least one comfortable pillow and adequate, lightweight warm bedding, clean bed linen, towels and washcloths.

(6) There shall be a physician who serves as a medical consultant to the facility.

(7) The facility shall have written policies and procedures for the following areas of client care. These policies and procedures shall be approved by the consulting physician.

(a) Client screening.

(b) Client care and observation.

(c) Referral to medical evaluation.

(d) Transfer of clients to a modified medical detoxification services (if available).

(e) Transfer of clients to a hospital.

(8) The facility shall have in effect written agreements with the following:

(a) A modified medical detoxification facility if one exists in the community. The agreement shall assure that clients in need of modified medical detoxification services will be admitted;

(b) One or more hospitals within the five-mile limitation. The agreement shall assure that a person will be received at the hospital for a medical evaluation and/or admitted to the hospital when the individual's condition necessitates acute care and treatment.

(9) Prescription medication shall not be provided for management of withdrawal discomfort in a social detoxification facility.

(10) If a client admitted to the facility has in his/her possession any prescription medications, the staff shall attempt to contact the prescribing physician to check on the accuracy of the prescription, its usage and document the attempts in the client file.

(11) All prescription medications shall be dispersed by the self-administration method. Self-administration of medications by a client shall be in accord with the following:

(a) The client shall be physically and mentally capable of administering his or her own drug properly.

(b) Any legend drug which a client has for self-administration shall have been prescribed for the client by a physician or other legal authorized practitioner acting within the scope of his license and shall have been dispensed in a legibly and securely labeled container by a pharmacist.

(c) Prescription drugs, over-the-counter drugs purchased independently by the client and other medicine or materials used by a client shall be relinquished to the staff and shall be kept in individually keyed and locked

storage units (e.g., drawers, medicine cabinets, compartments). Access to and use of such drugs and materials shall be restricted to the particular client for self-administration. All such individual-locked storage units shall be in a central location where personnel can maintain surveillance over the client's self-administration of drugs.

(d) Any medications retained for the client shall be released to the person upon discharge. A receipt shall be secured for all medications released to the client. Any medications left at the facility by the client shall be given to the consulting physician for destruction.

(12) The facilities shall have a disaster plan which meets the requirements of chapter 248-22 WAC.

(13) The facility shall have policies and procedures governing safety measures which meet the requirements of chapter 248-22 WAC.

(14) A client's next of kin, legal guardian or other person or agency responsible for the client shall be notified as rapidly as possible should a serious change in the client's condition, transfer of a client to a hospital or death of the client occur.

(15) The facility shall have a current schedule of names and telephone numbers posted at the facility's telephone through which the following can be contacted rapidly in case of an emergency.

(a) Emergency medical service (Medic I, or its equivalent if one exists).

(b) Ambulance service.

(c) Hospital emergency room.

(d) Police and fire departments.

(e) Facility administrator or his/her designee.

(16) All personnel providing client care shall have completed, prior to employment, the standard Red Cross first aid class and cardio-pulmonary resuscitation or its equivalency, and shall complete within six months of their employment the advanced Red Cross first aid class or its equivalent.

All personnel providing client care shall have completed a minimum of forty hours of classroom training in alcoholism prior to employment or within six months of the date of employment.

(17) All furnishings and the general decor shall reflect a home-like environment. Each of the following areas shall be provided and structured as stated:

(a) The dining area shall have provisions for family-type eating arrangements.

(b) The kitchen shall be capable of providing nutrition at all times and three thousand calories per day for each resident. A kitchen should be essentially similar to what is found in a home setting. At a minimum, it must allow for preparation of snacks, soup and sandwiches, decaffeinated coffee, and juice. The fixtures should include a refrigerator, stove, freezer, storage facilities, sink and dishwasher. All fixtures must be in good working order.

(c) The washroom shall include shower facilities, toilets, and sinks. All must be in good working order. Curtains should be used rather than doors for showers. There shall be no locks.

(d) Sleeping areas shall be structured as to permit observation of residents and encourage resident communication.

(e) A lounge shall have adequate space for relaxation, group discussion, and peer group interaction.

(f) The reception area shall be separate from living areas in order to maintain the comfort and privacy of residents. There shall be a client reception desk and a comfortable chair for use by those seeking admission.

(g) There shall be an area designated as the counseling area. This area shall be available to those desiring private discussion or counsel.

(h) There shall be a telephone available for use by residents.

(i) Laundry facilities shall include a washer, dryer, ironing board, and iron. All must be in good working order.

(j) There shall be a storage area adequate for storage of housekeeping equipment and supplies.

(k) A safekeeping cabinet shall be available for storage for resident valuables. The key to this cabinet shall be available to staff but not to residents.

NEW SECTION

WAC 275-19-300 INTENSIVE INPATIENT TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-300 through 275-19-399 is to provide specific program standards for facilities providing intensive inpatient alcoholism treatment services as defined in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide intensive alcoholism treatment services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the rules and regulations in this section, and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-310 INTENSIVE INPATIENT TREATMENT FACILITIES—CLIENTS. Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital.

NEW SECTION

WAC 275-19-320 INTENSIVE INPATIENT TREATMENT FACILITIES—REQUIRED SERVICES. There shall be an organized alcoholism intensive inpatient treatment program and staff which provide the following services:

(1) Education of clients regarding alcohol and alcoholism;

(2) Intensive individual and group counseling;

(3) Social and recreational activities;

(4) Discharge and referral to necessary supportive organizations and agencies;

(5) A client follow-up program that provides for periodic supportive and evaluative contact for a period of one year following discharge;

(6) An invitation and encouragement to family members to participate in their own treatment program and in the treatment of the alcoholic.

(7) Family members should be informed of the desirability of participation in family counseling, Alanon, Alateen and other self-help or specific group or individual resources and be encouraged to pursue these upon return to their home communities in those instances when the treatment staff or family member determines a need for those services.

NEW SECTION

WAC 275-19-330 INTENSIVE INPATIENT TREATMENT FACILITIES—WRITTEN PROGRAM STATEMENT. There shall be a written description of the current treatment program which includes:

(1) A specific and detailed treatment regimen;
 (2) A description of the various therapeutic methods employed in the total treatment program, including such items as:

- (a) Individual counseling;
- (b) Group counseling;
- (c) Chemotherapy;
- (d) Aversion therapy;
- (e) Nutritional therapy;
- (f) Social, recreational activities;
- (g) Educational lectures;
- (h) Alcoholics Anonymous meetings, etc.

(3) A description of any follow-up treatment and evaluation; and

(4) A concise statement of all costs charged for services provided to clients.

NEW SECTION

WAC 275-19-340 INTENSIVE INPATIENT TREATMENT FACILITIES—SOCIAL AND RECREATIONAL ACTIVITIES. There shall be definite provision for social and recreational activities to promote and assist a client's engagement in normal activities in accordance with his/her interests, needs and potential.

NEW SECTION

WAC 275-19-350 INTENSIVE INPATIENT TREATMENT FACILITIES—DISCHARGE OR REFERRAL. (1) Upon completion of the course of treatment, the client shall be counseled to establish contact with such services or agencies as the staff has determined will assist in maintaining sobriety (Alcoholics Anonymous, outpatient services of a community alcoholism center, etc.). The client shall be assisted in identifying and making contact with any agencies as may be necessary.

(2) If the treatment center is discharging a client to an agency (Community Alcoholism Center, private practitioner, etc.) for after-care services, a discharge summary shall be forwarded to the said agency.

NEW SECTION

WAC 275-19-400 ALCOHOLISM LONG-TERM TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-400 through 275-19-499 is to provide specific operational program standards for facilities providing alcoholism long-term treatment services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism long-term treatment services, the facility must comply with the specific requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the rules and regulations in this section and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-410 ALCOHOLISM LONG-TERM TREATMENT FACILITIES—CLIENTS. Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification treatment facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital.

NEW SECTION

WAC 275-19-420 ALCOHOLISM LONG-TERM TREATMENT FACILITIES—WRITTEN PROGRAM STATEMENT. There must be a written description of the current treatment program which includes:

(1) A specific and detailed treatment regimen;
 (2) A description of the various therapeutic methods employed in the total treatment program, including such items as:

- (a) Individual counseling;
- (b) Group counseling;
- (c) Social and recreational activities;
- (d) Educational lectures;
- (e) Alcoholics Anonymous meetings, etc.

(3) A description of any follow-up treatment and evaluation;

(4) A concise statement of all costs charged for services provided to clients.

NEW SECTION

WAC 275-19-430 ALCOHOLISM LONG-TERM TREATMENT FACILITIES—REQUIRED SERVICES. There shall be an organized alcoholism long-term treatment program and staff which provide the following services:

- (1) Education of clients regarding alcohol and alcoholism;
- (2) Individual and group counseling;
- (3) Education concerning social and life coping skills;
- (4) Social and recreational activities;
- (5) Occupational training through cooperation with government and/or private occupational training programs for those clients who need this assistance;
- (6) Discharge referral to necessary supportive organizations and agencies;

(7) A client follow-up program that provides periodic supportive and evaluative contact after discharge for a period of one year.

NEW SECTION

WAC 275-19-440 ALCOHOLISM LONG-TERM TREATMENT FACILITIES—DISCHARGE OR REFERRAL. (1) Upon completion of the course of treatment, the client shall be counseled to establish contact with such services or agencies as the staff has determined will be of use that will assist in maintaining sobriety (Alcoholics Anonymous, outpatient services of a community alcoholism center, etc.). The client shall be assisted in identifying and making contact with any agencies as may be necessary.

(2) If the treatment center is discharging a client to an agency (community alcoholism center, private practitioner, etc.) for after-care services, a discharge summary shall be forwarded to the said agency.

NEW SECTION

WAC 275-19-500 ALCOHOLISM RECOVERY HOUSE FACILITIES—PURPOSE. The purpose of WAC 275-19-500 through 275-19-599 is to provide specific operational program standards for facilities providing alcoholism recovery house services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism recovery house services, the facility must comply with the specific requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the requirements of this section, and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-510 ALCOHOLISM RECOVERY HOUSE FACILITIES—CLIENTS. Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital.

NEW SECTION

WAC 275-19-520 ALCOHOLISM RECOVERY HOUSE FACILITIES—WRITTEN PROGRAM STATEMENT. There must be a written description of the current treatment program which includes:

- (1) A specific and detailed treatment regimen;
- (2) A description of the various therapeutic methods employed in the total treatment program, including such items as:
 - (a) Individual counseling;
 - (b) Group counseling;
 - (c) Occupational training;
 - (d) Social and recreational activities;
 - (e) Educational programs;
 - (f) Alcoholics Anonymous meetings, etc.
- (3) A description of any follow-up treatment and evaluation;

(4) A concise statement of all costs charged for services provided to the clients.

NEW SECTION

WAC 275-19-530 ALCOHOLISM RECOVERY HOUSE FACILITIES—REQUIRED SERVICES. There shall be an organized alcoholism recovery house program and staff which provide the following services:

- (1) Education of clients regarding alcohol and alcoholism;
- (2) Individual and group counseling;
- (3) Social and recreational activities;
- (4) Assistance in registering and participating in educational and/or occupational training programs when appropriate for clients;
- (5) Assistance, when needed, to clients in seeking and obtaining gainful employment;
- (6) Referral to necessary supportive organizations and agencies;
- (7) A client follow-up program that provides periodic supportive evaluative contact after discharge for a period of one year.

NEW SECTION

WAC 275-19-540 ALCOHOLISM RECOVERY HOUSE FACILITIES—DISCHARGE AND REFERRAL. (1) Upon completion of the course of treatment, the client shall be counseled to establish contact with such services or agencies as the staff has determined will be of use that will assist in maintaining sobriety (Alcoholics Anonymous, outpatient services of a community alcoholism center, etc.). The client shall be assisted in identifying and making contact with any agencies that may be necessary.

(2) If the treatment center is discharging a client to an agency (community alcoholism center, private practitioner, etc.) for after-care services, a discharge summary shall be forwarded to the said agency.

NEW SECTION

WAC 275-19-600 ALCOHOLISM OUTPATIENT TREATMENT—PURPOSE. The purpose of WAC 275-19-600 through 275-19-699 is to provide specific program standards and objectives for approval of facilities providing alcoholism outpatient treatment services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism outpatient treatment services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199 and the rules and regulations in this section and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-610 ALCOHOLISM OUTPATIENT TREATMENT—REQUIRED SERVICES. Facilities providing alcoholism outpatient treatment as described in WAC 275-19-020 shall provide the following types of alcoholism treatment services to clients and their families.

(1) Assessment of each client's needs regarding specific alcohol-related problems as perceived by the client, center staff, and involved others.

(2) Immediate evaluation for persons in a crisis.

(3) Individual, group counseling and educational services on a scheduled basis which are conducted by a qualified alcoholism counselor or other treatment staff person under the direct supervision of a qualified alcoholism counselor.

(4) Referral of clients for ancillary services as necessary and follow-up efforts to ensure the efficacy of such referrals.

(5) A client follow-up program for those completing treatment that maintains periodic supportive and evaluative contact for a period of one year following discharge.

NEW SECTION

WAC 275-19-700 INFORMATION AND REFERRAL SERVICES—PURPOSE. The purpose of WAC 275-19-700 through 275-19-799 is to provide specific program standards and objectives for approval of facilities providing alcoholism information and referral services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism information and referral services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, the rules and regulations in this section and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-710 INFORMATION AND REFERRAL SERVICES—REQUIRED SERVICES. (1) Approved facilities providing alcohol information and referral services shall provide for the following direct services to clients and their families:

(a) Interview and assess client's involvement with alcohol.

(b) Determine which agency might best serve his or her needs.

(c) Assist the client in designing a continuum of care.

(d) Coordinate the referral of persons experiencing problems with the excessive use of alcohol and his or her family to and from appropriate treatment resources.

(2) The treatment rationale shall be designed to achieve total abstinence from alcohol for all alcoholics.

NEW SECTION

WAC 275-19-720 INFORMATION AND REFERRAL SERVICES—COMMUNITY SERVICES.

(1) Facilities providing information and referral services shall provide the communities which they serve with information and education concerning alcohol, alcohol abuse, alcoholism and their related problems and shall serve as consultant to community agencies.

(2) The facilities shall develop a priority list of services to be provided in the community. The following list of services should be considered when developing community service priorities.

(a) Provide consultation services to school districts and their personnel.

(b) Assist in the development of alcohol education curriculum for schools.

(c) Provide speakers bureau for groups and organizations.

(d) Disseminate the news releases in articles for media publication.

(e) Conduct workshops for professionals in social services and related fields.

(f) Provide educational programs on alcohol, alcohol abuse and alcoholism to the community. Educational programs may take the form of workshops, television and radio programs, newspaper publicity, lecture series, movie presentations, etc.

(g) Provide assistance to industry for development of industrial alcoholism programs.

(h) Provide training for professional personnel and to lay public regarding effective techniques of assisting the problem drinker and the alcoholic with his/her illness.

(i) Serve as a consultant to community agencies concerning services available to the problem drinker, the alcoholic and their families.

(j) Develop working relationships with the probation department and the courts including:

(i) Provide courts with recommendations on persons charged with alcohol-related offenses;

(ii) Provide court involved clients with referral necessary for treatment and follow-up.

(k) Develop working relationships with social service and related agencies within the community.

NEW SECTION

WAC 275-19-800 ALCOHOL INFORMATION SCHOOL—PURPOSE. The purpose of WAC 275-19-800 through 275-19-899 is to provide specific program standards and objectives for approval of facilities providing alcohol information school services, as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcohol information school services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, the rules and regulations in this section, and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-810 ALCOHOL INFORMATION SCHOOL—STUDENT ASSESSMENT. (1) There shall be an assessment of each enrolled student's involvement with alcohol by a qualified alcoholism counselor, prior to the classroom instruction.

(2) The alcohol assessment of students shall be by an individual interview or group diagnostic screening mechanism that meets the guidelines published by the office on alcoholism.

(3) Students showing signs of alcohol abuse and/or alcoholism shall be scheduled for an individual interview with a qualified alcoholism counselor for attempts to refer to specific treatment resources.

NEW SECTION

WAC 275-19-820 ALCOHOL INFORMATION SCHOOL—CURRICULUM. (1) The alcohol information school shall provide a school curriculum which meets the guidelines published by the office on alcoholism.

(2) The alcohol information school curriculum shall include the following:

(a) Adequate information regarding alcohol, alcohol abuse, and alcoholism.

(b) Information on the current laws addressing drinking alcoholic beverages and driving a motor vehicle.

(c) Information on the effect of the use of alcohol on driving ability.

(d) Information regarding the availability of alcoholism treatment resources, for the primary alcoholic and his/her family.

(e) Information on the dangers of the use of alcohol in combination with other drugs.

(f) Information on the impact of alcohol abuse and alcoholism on the family.

(3) The curriculum shall consist of not less than eight nor more than twelve hours of classroom instruction.

(4) Not more than three hours of instruction shall be conducted in any one day.

(5) A test or tests shall be administered to each enrolled student which will reveal the degree of subject retention and assist in evaluating the efficiency and effectiveness of the curriculum.

NEW SECTION

WAC 275-19-830 ALCOHOL INFORMATION SCHOOL—FEES. Student fees shall be limited to not more than two hundred fifty dollars for the classroom instruction and assessment. These fees shall be in accordance with guidelines established by the office on alcoholism.

NEW SECTION

WAC 275-19-900 EMERGENCY SERVICE PATROL—PURPOSE. The purpose of WAC 275-19-900 through 275-19-999 is to provide the specific standards and objectives for approval of facilities providing emergency service patrol services, as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide emergency service patrol services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, the rules and regulations in this section, and chapter 70.96A RCW.

NEW SECTION

WAC 275-19-910 EMERGENCY SERVICE PATROL—CLIENTS. Service shall be limited to those persons in the state of intoxication and/or incapacitated by alcohol.

NEW SECTION

WAC 275-19-920 EMERGENCY SERVICE PATROL—REQUIRED SERVICES. There shall be an

organized program and staff which shall provide the following services:

(1) Respond to calls from police, merchants and other interested persons for assistance with intoxicated persons who are in a public place.

(2) Patrol an assigned area and give direct assistance to those who are intoxicated in a public place.

(3) A general assessment of the client's condition with regard to his/her state of inebriation.

(a) If a person is intoxicated but subdued and is willing to accept this service, transport him/her to his/her home, approved alcoholism treatment facility or other health facility.

(b) If the person appears to be incapacitated, unconscious or who has threatened, or inflicted physical harm on another, every reasonable effort shall be made to take the person into protective custody and transport the person to an approved alcoholism treatment facility or other health facility.

NEW SECTION

WAC 275-19-930 EMERGENCY SERVICE PATROL—STAFF. Those persons providing emergency service patrol pickup duties shall:

(1) Possess a current valid Washington state driver's license with the proper endorsements.

(2) Possess a current and valid Red Cross card or certificate for first aid and cardiopulmonary resuscitation.

(3) Be trained and skilled in handling crisis situations with intoxicated persons.

WSR 80-02-137**PROPOSED RULES****DEPARTMENT OF PERSONNEL****(Personnel Board)**

[Filed February 1, 1980]

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 356-06-040	Classified service.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-26-060	Certification—General methods.
Amd	WAC 356-30-070	Appointments—Acting.
Amd	WAC 356-30-146	Project employment—CETA—Title II and VI;

that such agency will at 10:00 a.m., Thursday, March 13, 1980, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, March 13, 1980, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to March 11, 1980, and/or orally at 10:00 a.m., Thursday, March 13, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: January 30, 1980

By: Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 71, filed 12/30/74)

WAC 356-06-040 CLASSIFIED SERVICE. Positions subject to these Rules are in the classified service and will be designated by the Personnel Board as competitive or non-competitive.

(1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The non-competitive service includes those unskilled, seasonal and temporary classes or positions ((designated-by)) for which the Personnel Board ((as primarily unskilled laboring classes, seasonal and temporary positions and those designated by the Board in accordance with WAC 356-22-230(2)) for which competitive examinations are currently impractical)) has determined ranked registers to be impracticable.

(3) The Director of Personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such studies, present to the Personnel Board for determination, the proper inclusion or exclusion from the non-competitive service.

~~((4) The Board may designate either classes or individual positions as competitive or non-competitive in accordance with WAC 356-22-230(2).))~~

~~((5))~~(4) No positions in agencies designated as grant-in-aid, will be included in the non-competitive service except those positions that need not meet the Federal Merit System standards or positions which can be placed in the non-competitive service according to the Federal Merit System standards.

AMENDATORY SECTION (Amending Order 58, filed 9/10/73)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency Reduction-in-Force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-Wide Reduction-in-Force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-Agency Reversion.

(a) Composition.

(i) This register will contain the names of those permanent employees who promote to another agency and either voluntarily or involuntarily revert to their former class during a trial service period.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency Promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those permanent employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for ((an indefinite period unless replaced by a register established by the use of a substantially new examination)) one year at which time those still interested will be required to indicate availability. Such candidates may use current examination ratings unless there has been a substantial change in the examination. Names will remain on this register for no more than two years.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status.

(5) Service-Wide Reversion.

(a) Composition.

(i) This register will contain the names of all permanent employees who have promoted to another agency and either voluntarily or involuntarily revert to their former class during a trial service period.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary Demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of Ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-Wide Promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for ((an indefinite period unless replaced by a register established by the use of a substantially new examination)) one year at which time those still interested will be required to indicate availability. Such candidates may use current examination ratings unless there has been a substantial change in the examination. Names will remain on this register for no more than two years.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if ((he)) the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of Ranking.

(i) This register shall be unranked.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographical area.

(10) Open Competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of Ranking.

(i) This register shall be ranked by the final score.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.

(d) Special Provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 138, filed 11/30/79)

WAC 356-26-060 CERTIFICATION—GENERAL METH-ODS. Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to two more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register; the service-wide reduction-in-force register; or the dual agency reversion register, unless the agency has a previously approved and continuing selective certification requirement which the candidate cannot meet.

(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may certify in ranked order up to all of the names from the open competitive register: **PROVIDED,** That the appointing authority shall select from those eligibles available from the highest ranking names which constitute three names per vacancy to be filled.

(3) When more than one candidate has the same examination rating, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers when completing a certification. When an unranked register is used to complete a certification, all names appearing on that register shall be certified; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determination prior to the utilization of this Rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than three names available to fill the position:

Messenger Clerk
Receptionist
Clerk 1
Clerk 2
Clerk-Steno 1 Visually Handicapped
Clerk-Steno 2 Visually Handicapped
Clerk-Typist 1
Clerk-Typist 2
Dictating Machine Transcriber
Power Keyboard Operator 1
Power Keyboard Operator 2
Clerk-Steno 1
Clerk-Steno 2
PBX Operator

Remote Terminal Typist 1
Remote Terminal Typist 2
Data Entry Operator 1
Data Entry Operator 2

If such certification contains three or more available promotional candidates, agencies shall appoint from the promotional candidates.

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 138, filed 11/30/79)

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 or a class study being conducted by the Department of Personnel 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 of Personnel and the agency.

(4) An employee accepting an acting appointment shall be paid according to the rule regarding promotion, and if competitively appointed to the position will continue the basic salary and periodic increment dates set under the acting conditions.

(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 132, filed 8/16/79)

WAC 356-30-146 PROJECT EMPLOYMENT—CETA—TITLE II AND VI. (1) Participants hired under the Comprehensive Employment and Training Act have all merit system rights and benefits given regular state employees except as specifically prohibited by the Act as passed by Congress. Participants will not have reduction-in-force rights (~~afforded after 18 months of service within the project~~) after completing the maximum participation time allowed under the CETA Act or Prime Sponsor policy.

(2) Appointment requirements other than meeting minimum qualifications may be waived for appointment to project positions which have been established to provide employment opportunities under the Federal Comprehensive Employment and Training Act.

(3) Participants who gain permanent status within the project, and are currently employed in the following classifications, are eligible to compete on a promotional basis for positions in regular state service:

Clerical Aide
Conservation Aide
Human Service Aide
Maintenance Aide

Participants on a promotional register shall be ranked after regular permanent employees on the same register.

WSR 80-02-138

PROPOSED RULES

HIGHLINE COMMUNITY COLLEGE

[Filed February 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Highline Community College intends to adopt, amend, or repeal rules concerning faculty grievance procedures, amending WAC 1321-128-330;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, March 20,

1980, in the Board Room of the Library, Building 25, Highline Community College, Midway, Washington.

The authority under which these rules are proposed is RCW 28B.50.140(29) and chapter 28B.19 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 20, 1980, and/or orally at 8:00 a.m., Thursday, March 20, 1980, Office of the Vice President, Building 1, Highline Community College, Midway, Washington.

Dated: February 1, 1980

By: Edward M. Command
Vice President

AMENDATORY SECTION (Amending Order 017, filed 8/12/76)

WAC 1321-128-330 PROCEDURES. (1) Prior to filing a written grievance, a faculty employee who has a grievance regarding the implementation of a negotiated policy is encouraged to orally present such grievance to his division chairman or appropriate supervisor in hopes that an acceptable solution may be found. Any decision to continue with the grievance procedure beyond this stage shall rest with the individual lodging the grievance or by an individual grievant who is part of an aggrieved group.

(2) Step one:

(a) Within ten (10) days after an alleged grievance or within ten (10) days after the faculty employee, through the use of reasonable diligence, should have known of the alleged grievance, a faculty employee who wishes to commence the grievance procedure shall present his written statement to the appropriate administrator as listed: (~~Assistant~~) Associate Dean, Academic Programs; (~~Assistant~~) Associate Dean, Continuing Education; (~~Director of Counseling~~) Assistant Dean, Student Services; or the (~~Director of Library~~) Director Library and Audio Visual Services. The statement shall be specific as to the alleged violation, shall identify all provisions of negotiated policies alleged to be violated, shall list the facts of the particular case, and shall be signed by the aggrieved employee. Copies shall be mailed simultaneously to the Dean of Students, or the Vice President, as appropriate, to the College President, and to the president of the employee Association.

(b) Within ten (10) days after receiving the grievance, the assistant dean or director shall communicate his response or remedy and its rationale in writing to the grievant and the president of the employee association.

(3) Step two:

(a) If the grievance is not satisfactorily resolved at step one, the grievant, or the employee association if requested by the employee, may appeal, within ten (10) days after receiving the response from step one, to the Dean of Students or (~~Vice President~~) Dean of Instruction as appropriate. Such appeal shall be in writing and shall state why the response or remedy at step one is unsatisfactory.

(b) Within ten (10) days after receiving the grievance, the Dean of Students or (~~Vice President~~) Dean of Instruction shall communicate his response or remedy and its rationale in writing to the grievant and to the president of the employee association.

(4) Step three:

(a) If the grievance is not satisfactorily resolved at step two, the grievant or the employee association on behalf of the grievant may, within fifteen (15) days after receiving this response, appeal to the President. Such appeal shall be in writing and shall state why the response or remedy at step two is unsatisfactory.

(b) Within fifteen (15) days after receiving this appeal, the President shall hold a hearing on the grievance to include the grievant, the employee association president or representative, and those as appropriate.

(c) Within ten (10) days after this hearing, the President shall send his written response to the grievant and to the president of the employee association. This response shall be considered the final position of the employer.

(5) Step Four: If no satisfactory settlement is reached at step three, the employee association, within ten (10) days of the receipt of the step three decision, may appeal the final decision of the employer to the American Arbitration Association for arbitration under the voluntary rules. The arbitrator shall hold a hearing within twenty (20) days of

his appointment. Seven (7) days notice shall be given to both parties of the time and place of the hearing. The arbitrator will issue his decision within twenty (20) days from the date final written briefs have been submitted or if waived by both parties, twenty (20) days after the completion of the hearing. The arbitrator's decision will be in writing and will set forth his findings of fact, reasoning and conclusions on the issues submitted to him. The decision of the arbitrator shall be final and binding upon the employer, the employee association and the affected employee(s). The fees and expenses of the arbitrator shall be equally shared by the employee association and the College.

WSR 80-02-139
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Filed February 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 21.20.450, that the Department of Licensing, Securities Division intends to adopt, amend, or repeal rules concerning exempt transactions, amending WAC 460-44A-020. (Copy of the proposed rule is shown below, however, changes may be made at the public hearing.);

that such agency will at 10 a.m., Thursday, March 13, 1980, in the 4th Floor Conference Room A, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Monday, March 17, 1980, in the Securities Division, 3rd Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 21.20.450 which directs that the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1980, and/or orally at 10 a.m., Thursday, March 13, 1980, 4th Floor Conference Room A, Highways-Licenses Building, Olympia, Washington.

Dated: January 31, 1980

By: Jeffrey O. C. Lane
 Assistant Attorney General

AMENDATORY SECTION (Amending Order #SD-130-77, filed 11/23/77)

WAC 460-44A-020 TEXT OF RULE. (a) Definitions. The following definitions shall apply for purposes of this rule.

(1) Offeree representative. The term "offeree representative" shall mean any person or persons, each of whom the issuer and any person acting on its behalf, after making reasonable inquiry, have reasonable grounds to believe and believe satisfies all of the following conditions:

(i) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of ten percent or more of any class of the equity securities or ten percent or more of the equity interest in the issuer, except where the offeree is:

(a) Related to such person by blood, marriage or adoption, no more remotely than as first cousin;

(b) Any trust or estate in which such person or any persons related to him as specified in paragraph (a)(1)(i)(a) or (c) of this section collectively have one hundred percent of the beneficial interest (excluding contingent interests) or of which any such person serves as trustee, executor, or in any similar capacity; or

(c) Any corporation or other organization in which such person or any persons related to him as specified in paragraph (a)(1)(i)(a) or (b) of this section collectively are the beneficial owners of 100 percent of the equity securities (excluding directors' qualifying shares) or equity interest;

(ii) Has such knowledge and experience in financial and business matters that he, either alone, or together with other offeree representatives or the offeree, is capable of evaluating the merits and risks of the prospective investment;

(iii) Is acknowledged by the offeree, in writing, during the course of the transaction, to be his offeree representative in connection with evaluating the merits and risks of the prospective investment;

(iv) Is not compensated directly or indirectly by the issuer or its affiliates and has no material relationships with the issuer or its affiliates; and

(v) Is not engaged by a brokerdealer or salesman acting for the issuer: PROVIDED, HOWEVER, That provisions (iv) and (v) shall apply only to offeree representatives of offerees residing in or to whom offers are made in this state.

(2) Issuer. The definition of the term "issuer" in RCW 21.20.005 and in section 2(4) of the Securities Act of 1933 shall apply, provided that notwithstanding these definitions, in the case of a proceeding under the Bankruptcy Act, the trustee, receiver, or debtor in possession is deemed to be the issuer in an offering for the purposes of a plan of reorganization or arrangement, if the securities offered are to be issued pursuant to the plan, whether or not other like securities are offered under the plan in exchange for securities of, or claims against, the debtor.

(3) Affiliate. The term "affiliate" of a person means a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

(4) Material. The term "material" when used to modify "relationship" means any relationship that a reasonable investor might consider important in the making of the decision whether to acknowledge a person as his offeree representative.

(b) Conditions to be met. Transactions by an issuer involving the offer, offer to sell, offer for sale or sale of securities of the issuer that are part of an offering that is made in accordance with all the conditions of this rule shall be deemed to be transactions not involving a public offering within the meaning of RCW 21.20.320(1).

(1) For the purposes of this rule only, an offering shall be deemed not to include offers, offers to sell, offers for sale or sales of securities of the issuer pursuant to exemptions provided by RCW 21.20.310 or 21.20.320 or pursuant to a registration statement filed under the Securities Act of Washington, that take place prior to the six-month period immediately preceding or after the six-month period immediately following any offers, offers for sale or sales pursuant to this rule: PROVIDED, That there are during neither of said six-month periods any offers, offers for sale or sales of securities by or for the issuer of the same or similar class as those offered, offered for sale or sold pursuant to the rule.

(c) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer, offer to sell, offer for sale, or sell the securities by means of any form of general solicitation or general advertising, including but not limited to the following:

(1) Any advertisement, article, notice or other communication published in any newspaper, magazine or similar medium or broadcast over television or radio;

(2) Any seminar or meeting except that if paragraph (d)(1) of this section is satisfied as to each person invited to or attending such seminar or meeting, and, as to persons qualifying only under paragraph (d)(1)(ii) of this section, such persons are accompanied by their offeree representative(s), then such seminar or meeting shall be deemed not to be a form of general solicitation or general advertising; and

(3) Any letter, circular, notice or other written communication except that if paragraph (d)(1) of this section is satisfied as to each person to whom the communication is directed, such communication shall be deemed not to be a form of general solicitation or general advertising.

(d) Nature of offerees. The issuer and any person acting on its behalf who offer, offer to sell, offer for sale or sell the securities shall have reasonable grounds to believe and shall believe:

(1) Immediately prior to making any offer, either:

(i) That the offeree has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment, or

(ii) That the offeree is a person who is able to bear the economic risk of the investment; and

(2) Immediately prior to making any sale after making reasonable inquiry, either:

(i) That the offeree has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment, or

(ii) That the offeree and his offeree representative(s) together have such knowledge and experience in financial and business matters that they are capable of evaluating the merits and risks of the prospective investment and that the offeree is able to bear the economic risk of the investment.

(e) Access to or furnishing of information.

(1) Prior to purchasing the securities, each offeree or his offeree representative shall have been furnished or granted access to the same kind of information required by the registration requirements of RCW 21.20.210 to the extent the issuer possesses such information or can acquire it without unreasonable effort or expense. (Note: Access can only exist by reason of the offeree's position with respect to the issuer. Position means an employment or family relationship or economic bargaining power that enables the offeree to obtain information from the issuer in order to evaluate the merits and risks of the prospective investment.) The issuer shall provide audited financial statements unless such requirement would cause unreasonable effort and expense to the issuer. If the issuer does not have the audited financial statements required by the registration requirements of the act and cannot obtain them without unreasonable effort or expense, such financial statements may be furnished on an unaudited basis. The issuer may omit details or employ condensation of information if, under the circumstances, the omitted information is not material or the condensation of information does not render the statements made misleading. In all instances in which financial statements are given, they shall comply with generally accepted accounting principles.

(2) The issuer shall make available, during the course of the transaction and prior to sale, to each offeree or his offeree representative, the opportunity to ask questions of, and receive answers from, the issuer or any person acting on its behalf concerning the terms and conditions of the offering and to obtain any additional information, to the extent the issuer possesses such information or can acquire it without unreasonable effort or expense, necessary to verify the accuracy of the information obtained pursuant to subparagraph (e)(1) above.

(3) The issuer or any person acting on its behalf shall disclose to each offeree in writing, prior to sale:

(i) Any material relationship between his offeree representative(s) or its affiliates and the issuer or its affiliates, which then exists or mutually is understood to be contemplated or which has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship;

(ii) That a purchaser of the securities must bear the economic risk of the investment for an indefinite period of time because the securities have not been registered under the act, and therefore, cannot be sold unless they are subsequently registered under the act or an exemption from such registration is available; and

(iii) The limitations on disposition of the securities set forth in paragraph (h)(2), (3) and (4) of this section.

(f) Business combinations.

(1) The term "business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange solely for all or a part of its own or its parent's voting stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition).

(2) All the conditions of this rule except paragraphs (a)(1)(c)(iv), (d) and paragraph (h)(4) of this section shall apply to business combinations.

(3) For purposes of paragraph (f) only, the issuer and any person acting on its behalf, after making reasonable inquiry, shall have reasonable grounds to believe, and shall believe, at the time that any plan for a business combination is submitted to security holders for their approval, or in the case of an exchange, immediately prior to the sale, that each offeree either alone or with his offeree representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(4) In addition to information required by paragraphs (e) and (f)(2), the issuer shall provide, in writing, to each offeree at the time

the plan is submitted to security holders, or in the case of an exchange, during the course of the transaction and prior to the sale, information about any terms or arrangements of the proposed transaction relating to any security holder that are not identical to those relating to all other security holders.

(g) Number of purchasers.

(1) The issuer shall have reasonable grounds to believe, and after making reasonable inquiry, shall believe, that there are no more than thirty-five purchasers of the securities of the issuer from the issuer in any offering pursuant to this rule.

(2) For purposes of computing the number of purchasers for paragraph (g)(1) of this section only:

(i) The following purchasers shall be excluded:

(a) Any relative or spouse of a purchaser and any relative of such spouse, who has the same home as such purchaser; and

(b) Any trust or estate in which a purchaser or any of the persons related to him as specified in paragraph (g)(2)(i)(a) or (c) of this section collectively have one hundred percent of the beneficial interest (excluding contingent interests);

(c) Any corporation or other organization of which a purchaser or any of the persons related to him as specified in paragraph (g)(2)(i)(a) or (b) of this section collectively are the beneficial owners of all of the equity securities (excluding directors' qualifying shares) or equity interests; and

(d) Any person who purchases or agrees in writing to purchase for cash in a single payment or installments, securities of the issuer in the aggregate amount of one hundred fifty thousand dollars or more.

(ii) There shall be counted as one purchaser any corporation, partnership, association, joint stock company, trust or unincorporated organization, except that if such entity was organized for the specific purpose of acquiring the securities offered, each beneficial owner of equity interests or equity securities in such entity shall count as a separate purchaser.

(h) Limitations on disposition. The issuer and any person acting on its behalf shall exercise reasonable care to assure that the purchasers of the securities in the offering are not underwriters. Such reasonable care shall include, but not necessarily be limited to, the following:

(1) Making reasonable inquiry to determine if the purchaser is acquiring the securities for his own account or on behalf of other persons;

(2) Placing a legend on the certificate or other document evidencing the securities stating that the administrator of securities has not reviewed the offering or offering circular and the securities have not been registered under the Act and setting forth or referring to the restrictions on transferability and sale of the securities;

(3) Issuing stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or if the issuer transfers its own securities, making a notation in the appropriate records of the issuer; and

(4) Obtaining from the purchaser a signed written agreement that the securities will not be sold without registration under the Act or exemption therefrom.

(i) Notification of claim of exemption and report of SALES. Pursuant to WAC 460-44A-((040)) 041, the issuer shall file notification of claim of exemption which will become effective ten full business days from date of filing notification if the same is not disallowed by the administrator within such time or at such earlier date as the administrator determines, and report of sales within thirty days after termination of any offering effected in reliance on this rule and, for any offering which continues for a period greater than one year, within thirty days after each anniversary date of the first sale of securities in any such offering for so long as such offering continues. So long as the offering continues no report of sales need be filed for any offering in reliance upon the rule the proceeds of which total, cumulatively, less than fifty thousand dollars during any twelve month period. The administrator may, upon application of the issuer, in the event of late filing of a report of sales, for good cause excuse such late filing if he finds it in the public interest to grant such relief.

WSR 80-02-140

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order PL-320—Filed February 4, 1980]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does

promulgate and adopt the annexed rules relating to educational requirements; license requirement for public accounting partnerships or professional service corporations, and equivalent examination.

This action is taken pursuant to Notice No. WSR 79-09-083 filed with the code reviser on 8/31/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.070 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 October 24, 1979.

By Henry V. Benson, Jr., C.P.A.
Chairman

NEW SECTION

WAC 4-04-300 EDUCATIONAL REQUIREMENTS. The educational requirements for chapter 114, section 1, laws of 1969, RCW 18.04.120, shall be: A graduate of a college or university recognized by the board who has been awarded a bachelor's degree therefrom or one who has an education that the board determines to be equivalent thereto.

NEW SECTION

WAC 4-04-310 LICENSE REQUIREMENTS FOR PUBLIC ACCOUNTING PARTNERSHIPS OR PROFESSIONAL SERVICE CORPORATIONS. No application for registration for a public accounting partnership or professional service corporation will be approved by the board unless the following conditions exist:

(1) At least one partner or shareholder holds a current or otherwise valid permit to practice public accounting within this state as a certified public accountant, licensed public accountant or public accountant.

(2) Each partner or shareholder personally engaged within this state in the practice of public accounting holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

(3) Each resident manager in charge of an office of the partnership or corporation in this state must hold a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

Application for such registration shall be in writing, sworn to by a partner or shareholder who holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

NEW SECTION

WAC 4-12-110 EQUIVALENT EXAMINATION. An applicant for the CPA examination, who is not a college graduate and who desires to qualify under the provisions of RCW 18.04.120(5), will be permitted to substitute a passing score on an equivalency examination, said examination to be held at least twice yearly by the board or its designee.

WSR 80-02-141

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning the amending of WAC 468-66-010 Definitions (1) through (21), WAC 468-66-030 General Provisions (2) and (12), WAC 468-66-050 Classification of Signs (1) (3) and (7), WAC 468-66-070 On-Premise Signs (2), WAC 468-66-040 Permits (3) and repeal WAC 468-66-040;

that such agency will at 10:00 a.m., Monday, March 17, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 17, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.42.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1980, and/or orally at 10:00 a.m., Monday, March 17, 1980, Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

Dated: February 4, 1980

By: V.W. Korf
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-66-010 DEFINITIONS. The following terms when used in these regulations shall have the following meanings:

(1) "Act" (~~as used herein shall mean the Highway Advertising Control Act of 1961 as amended by chapter 62, Laws of 1971 ex. sess. and subsequent amendments~~) shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(2) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(3) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located.

Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(4) "Commission" means the Washington state transportation commission.

(5) ("~~(4)~~ Directional or other official sign or notice" means:

- (a) An official sign or notice;
- (b) A service club or religious notice containing only the name of a nonprofit service club or religious organization, its address, and the time of its meetings or services; or
- (c) A directional sign.

(6)) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

((7)) (6) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

((8)) (7) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

((9)) (8) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

((10)) (9) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

((11)) (10) "Maintain" means to allow to exist. The determination of the point at which customary maintenance ceases and a substantial change in design has occurred which would terminate nonconforming rights shall be based on the following criteria: Any repairs and/or modification to a preexisting sign may restore the sign only to the condition or configuration substantially the same as it was on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control on a given route, whichever is applicable.

((12)) (11) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

((13)) (12) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

((14)) (13) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

((15)) (14) "Scenic system" means:

- (a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;
- (b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or
- (c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.

((16)) (15) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

((17)) (16) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

((18)) (17) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

((19)) (18) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

((20)) (19) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(20) Abandoned. Abandonment and discontinuance are synonymous. An off-premise sign is considered abandoned or discontinued when the need for substantial repair or the absence of advertising matter are observed and recorded for a period of time equal to or greater than the:

(a) Remainder of calendar year during which this condition was first observed; or

(b) Six months from the date that this condition was first observed whichever is longer.

(21) Destroyed signs are signs damaged or dismembered to an extent exceeding fifty percent of the depreciated reproduction cost of the sign.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-66-030 GENERAL PROVISIONS. Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those having flashing, intermittent, or moving lights giving public service information such as time, date, temperature, weather, or similar information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information such as time, date, temperature, weather, or similar information).

(10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to (~~section 7, chapter 62, Laws of 1971 ex. sess.~~) RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-66-050 CLASSIFICATION OF SIGNS. Signs shall be classified as follows:

(1) Type 1—((★)) Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which advertises the sale or lease only of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease or the owner's agent shall not be displayed more conspicuously than the words "for sale" or "for lease". Not more than one such sign advertising the sale or lease of a parcel of property shall be permitted in such manner as to be visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign. A sign advertising an activity conducted on the property on which the sign is located. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

Signs reading "Future Site Of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

(a) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

(b) The sign shall not inform of activities conducted elsewhere.

(c) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed of transparent material. School bus shelters shall be located a sufficient distance from the edge of any traveled way of a city, county or state highway or street so that busses may be stopped completely off the traveled way to load and unload passengers. If necessary, a widened shoulder or other suitable area shall be provided in conjunction with the school bus shelter for this purpose, at the expense of the owner of the shelter. Stopping a bus on the traveled way to load or unload passengers at these school bus shelters will not be permitted. School bus shelters shall be carefully located so as to minimize walking distance along the main highway, road or street. In the vicinity of intersections they shall be located so that sight distance for approaching drivers is not obscured or other hazards are not created. Adjacent shelters along a highway, road or street shall be separated by a minimum of 660 feet and visible to approaching traffic from a minimum of at least 750 feet

as measured along the centerline of the roadway. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47.42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-66-070 ON-PREMISE SIGNS (TYPE 3). (1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(2) For the purpose of measuring from the "advertised activity" the distance shall be measured from that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the activity. Signs advertising shopping centers, malls and business combinations, a combined parking area may be considered as part of that activity for purposes of allowing a single individual on-premise sign. However, the sign may not then advertise individual business names. Individual business signs in this center, mall or combination are not permissible more than fifty feet from the individual activity.

(3) A type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the edge of the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(c) Fifty feet from any outside edge of a regularly used parking lot maintained by and contiguous to the advertised activity.

(4) One type 3 sign in each direction, not exceeding fifty square feet in area bearing only the name and a directional message, indicating the location of a business, farm, ranch or orchard may be allowed on such premises that were in existence on June 25, 1976, provided that the following conditions exist:

(a) No other type 3 signs legible from the main traveled lanes of the highway are maintained.

(b) The sign is located on property abutting the highway where ownership or unrestricted lease is contiguous to and includes the advertised activity and not on a strip or parcel of land deemed by the department of transportation to be acquired for the sole purpose of outdoor advertising.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-66-140 PERMITS. (1) No signs except type 1, type 2, or type 3 signs shall be erected or maintained adjacent to interstate system or primary system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system or primary system will be issued by the department of transportation in accordance with these rules and regulations.

(2) Applications for permits will be accepted only at the Department of Transportation Headquarters Office, Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the ((person who will erect and/or maintain)) owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department.

(4) Applications shall be accompanied by a fee of ten dollars for each sign.

(5) Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application except as provided in WAC 468-66-090. Fees shall not be prorated for fractions of the year. Any moneys paid to the department of transportation for a sign permit shall be credited first to the payment of any annual permit or renewal fee for such sign due for any prior year. The department shall not accept payment for the current year renewal fee until all due and unpaid permit and renewal fees for prior years have been paid.

(6) Prior to December 1 of each year the department of transportation shall notify in writing the owner of every sign for which a permit is required under RCW 47.42.120 and this rule but for which no sign permit was obtained or renewed for the then current calendar year, that all unpaid permit and renewal fees for such sign and the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable not later than the following February 1. The notice shall further state that if all such fees have not been paid by February 1, legal proceedings will be instituted to cause removal of such sign as an illegally maintained sign.

(7) Following the notice specified in subsection of this section, if all due and unpaid permit and renewal fees are not received for any sign for which a permit is required by the date specified, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

(8) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

(9) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

(10) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(11) A permit issued under these rules does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-66-040 MEASUREMENTS OF DISTANCE.

WSR 80-02-142
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning adult protective services, amending WAC 388-15-120.

Public hearings relating to these proposed rules were held in Olympia on December 12, Spokane on January

16 and Seattle on January 23. The purpose of this notice is to postpone adoption from January 30 to March 17.

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, March 17, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

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

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-11-099 and 80-01-015 filed with the code reviser's office on 10/30/79 and 12/13/79.

Dated: January 30, 1980

By: N.S. Hammond
Executive Assistant

WSR 80-02-143
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 4, 1980]

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. 388-54 WAC Food assistance programs.
Rep WAC 388-28-576 Tax Reduction Act of 1975—Payments disregarded.

It is the intention of the secretary to adopt these rules on an emergency basis on February 1, 1980.

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

Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, March 12, 1980, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 19, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980, and/or orally at 10:00 a.m., Wednesday, March 12, 1980, Auditorium, State

Office Building #2, 12th and Jefferson, Olympia, Washington.

Dated: February 4, 1980
By: N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-725 INCOME—DEFINITIONS (1) Earned income shall include:

- (a) All wages and salaries of an employee;
 - (b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.
 - (i) Payments from a roomer or boarder;
 - (ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of 20 hours a week.
 - (c) Training allowances from vocational and rehabilitative programs recognized by federal, state or local governments, such as WIN or CETA, to the extent they are not a reimbursement.
 - (d) Advance payments of earned income tax credit (EIC).
- (2) Unearned income shall include but not be limited to:
- (a) Payments received from federally-aided public assistance programs, general assistance or other assistance programs based on need;
 - (b) An annuity, pension, retirement, veteran's or disability benefit; workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.
 - (c) The total payment to a household on behalf of a legally-assigned foster child or adult.
 - (d) Support and alimony payments from non-household members made directly to the household;
 - (e) Scholarships, educational grants (including loans on which repayment is deferred), fellowships and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period which it is intended to cover;
 - (f) Payments received from government sponsored programs;
 - (g) Dividends, interest, royalties and all other direct money payments which are gain or benefit;
 - (h) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.
- (3) The following items shall be disregarded as income:
- (a) Monies withheld voluntarily or involuntarily from an assistance payment, earned income or other source to repay a prior overpayment.
 - (b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-735 INCOME—EXCLUSIONS. The following income is excluded:

- (1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
 - (a) Payments to persons displaced as a result of the acquisition of real property;
 - (b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;
 - (c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.
- (2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for those individuals who were receiving public assistance or food stamps at the time they joined VISTA and for those households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.
- (3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.
- (4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.
- (5) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

- (6) Payments from the Special Crisis Intervention Program.
- (7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:
 - (a) Youth incentive entitlement pilot projects;
 - (b) Youth community conservation and improvement projects;
 - (c) Youth employment and training programs;
 - (8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.
 - (a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.
 - (9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.
 - (10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.
 - (11) Educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent that they are used for tuition and mandatory fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.
 - (12) Moneys received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, an earned income tax credit (EIC) payment, similar nonrecurring lump-sum payments.
 - (13) The cost of producing self-employment income.
 - (14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.
 - (a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit:
 - (i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.
 - (ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.
 - (iii) Reimbursement for medical or dependent care.
 - (iv) Reimbursements ((or)) of allowances to students for specific education expenses. That portion of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books.
 - (b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit:
 - (i) Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.
 - (15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.
 - (16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:
 - (a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.
 - (b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.
 - (c) Moneys that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) ~~((Earned income tax credits since 1975:)) Deleted.~~

(19) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the Energy Crisis Assistance Program.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-28-576 Tax Reduction Act of 1975 — payments disregarded

WSR 80-02-144
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1487—Filed February 4, 1980]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-54 WAC Food assistance programs.
Rep WAC 388-28-576 Tax Reduction Act of 1975—Payments disregarded.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement federal regulations and Public Law 94-164.

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 February 1, 1980.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

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(1) Earned income shall include:

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(i) Payments from a roomer or boarder;

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of 20 hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state or local governments, such as WIN or CETA, to the extent they are not a reimbursement.

(d) Advance payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance or other assistance programs based on need;

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(c) The total payment to a household on behalf of a legally-assigned foster child or adult.

(d) Support and alimony payments from non-household members made directly to the household;

(e) Scholarships, educational grants (including loans on which repayment is deferred), fellowships and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period which it is intended to cover;

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(g) Dividends, interest, royalties and all other direct money payments which are gain or benefit;

(h) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

(3) The following items shall be disregarded as income:

(a) Monies withheld voluntarily or involuntarily from an assistance payment, earned income or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

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The following income is excluded:

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(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

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(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for those individuals who were receiving public assistance or food stamps at the time they joined VISTA and for those households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

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(a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

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extent that they are used for tuition and mandatory fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Moneys received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds, an earned income tax credit (EIC) payment, similar nonrecurring lump-sum payments.

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(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements ((or)) of allowances to students for specific education expenses. That portion of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books.

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(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

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(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

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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 section of the Washington Administrative Code is repealed:

WAC 388-28-576 Tax Reduction Act of 1975 — payments disregarded

WSR 80-02-145

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 1-80—Filed February 5, 1980]

Be it resolved by the State Board of Education, acting at Lynnwood, Washington, that it does promulgate and adopt the annexed rules relating to school building construction, chapter 180-30 WAC.

This action is taken pursuant to Notice No. WSR 79-12-053 filed with the code reviser on 11/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47.802 and 28A.47.803 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 25, 1980.

By Wm. Ray Broadhead
Secretary

PROGRAM FOR BARRIER FREE FACILITIES
PURSUANT TO PROVISIONS OF SECTION 504,

PUBLIC LAW 93-112, REHABILITATION ACT OF 1973, AS AMENDED

NEW SECTION

WAC 180-30-800 PROGRAM FOR BARRIER FREE FACILITIES. The state board of education hereby establishes policies, rules and regulations governing state assistance in alteration or modification of school facilities pursuant to requirements of section 504, public law 93-112, rehabilitation act of 1973, as amended, hereinafter referred to in this chapter as section 504.

NEW SECTION

WAC 180-30-805 PROGRAM FOR BARRIER FREE FACILITIES—BASIC POLICIES. (1) State participation in financing costs necessary for compliance with minimal requirements for accessibility of facilities by the handicapped as specified by section 504 shall be limited to those projects for which modification of existing facilities has been determined necessary for compliance with section 504 and for which school district local funds have been provided as in WAC 180-30-035 set forth and the availability of state funds reserved specifically for such purpose.

(2) A school district having authorized work required by section 504 subsequent to June 30, 1979, but prior to adoption of rules and regulations contained herein may, if otherwise qualified, be considered for state assistance.

(3) The state board of education hereby establishes June 30, 1980, as the final date for submittal of applications and supporting data pursuant to WAC 180-30-810. Any school district failing to submit an application by that date shall be deemed ineligible for state assistance consideration for provision of barrier free facilities.

(4) Any school district receiving state funding hereunder, or federal or other funding for the purpose herein set forth, shall be ineligible for any further state funding for the purposes of this program.

NEW SECTION

WAC 180-30-807 PROGRAM FOR BARRIER FREE FACILITIES—BASIC STATE SUPPORT LEVEL. (1) The percentage of state assistance to a school district, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall be determined in accordance with the state matching formula as in RCW 28A.47.803 set forth, and as further prescribed in provisions of WAC 180-30-205.

(2) Costs of a modification project considered eligible for state assistance shall be comprised of (a) construction costs for the necessary minimum modification of facilities as set forth in approved plan and specifications; (b) the amounts of sales and/or use taxes levied generally throughout the state of Washington by local governmental agencies and state-imposed sales and/or use taxes applicable to the matchable portion of the project cost; and (c) architectural and engineering services applicable to the matchable construction costs of the project.

(3) All costs in excess of the state support factors established by the state board of education for state participation in financing as in WAC 180-30-807 set forth shall be paid from school district local funds in excess of local funds applied for matchable costs of approved project costs.

NEW SECTION

WAC 180-30-810 PROGRAM FOR BARRIER FREE FACILITIES—APPLICATION REQUIREMENTS AND PROCEDURAL REGULATIONS GOVERNING STATE ASSISTANCE. All applications for state assistance, allocations of state funds and disbursement of school district and state funds for projects approved for state assistance in providing barrier free facilities pursuant to provisions of section 504 shall meet the requirements and shall be in conformity with the procedures set forth in this chapter. The superintendent of public instruction shall prescribe and furnish forms for the purposes as in this chapter set forth.

NEW SECTION

WAC 180-30-815 PROGRAM FOR BARRIER FREE FACILITIES—NOTICE OF INTENT TO FILE APPLICATION FOR STATE ASSISTANCE. A notice of intent to file an application for state assistance in providing barrier free facilities shall be comprised of completed forms prescribed by the superintendent of public instruction and shall include the supporting documents and data set forth below.

(1) A copy of the district's plan to achieve accessibility for all programs and activities except in those instances which require modification of existing facilities.

(2) A copy of the district's transition plan as outlined by Title 45, Rules and Regulations, Subpart C—Program Accessibility, Section 84.22.

NEW SECTION

WAC 180-30-820 PROGRAM FOR BARRIER FREE FACILITIES—ACKNOWLEDGMENT OF NOTICE OF INTENT TO FILE APPLICATION AND INSTRUCTIONS FOR PREPARATION AND FILING OF APPLICATION AND SUPPORTING DATA. Upon determination that the information furnished indicates initial requirements for state assistance consideration are met by the school district, as in WAC 180-30-805(1), the state board of education will transmit application forms requesting the district to submit an application in accordance with provisions of WAC 180-30-825 and such preliminary documents and supporting data as may be required; PROVIDED, That transmittal of application forms shall not constitute a commitment of state funds.

In the event the proposed plan does not appear to meet criteria for state funding, the applicant district will be so notified within forty-five days of receipt of said plan. Notice of rejection shall state reason(s) for rejection and terms on which a plan may be resubmitted. A revised plan may be submitted provided it is received by superintendent of public instruction not more than forty-five days after such rejection notice is deposited in

the United States mail by superintendent of public instruction.

NEW SECTION

WAC 180-30-825 PROGRAM FOR BARRIER FREE FACILITIES—APPLICATION FOR STATE ASSISTANCE. (1) Upon receipt of notification as in WAC 180-30-820 provided, that the proposed plan appears to qualify for state assistance the district shall cause to be prepared final plans and specifications in accordance with the following regulations, the state bid law, chapter 43.19 RCW, and such other requirements as may be prescribed by the state board of education.

(a) Separate and/or combined bids. Separate and/or combined bids may be received for general construction, mechanical work and electrical work. Separate contracts or a combined contract for the construction of the entire project may be awarded on the basis of whichever is the most advantageous to the school district and to the state in accordance with bids received.

(b) Alternate bids or cost breakdown on items to be financed entirely from school district local funds. For the purpose of determining the exact cost thereof, provision must be made for alternate bids, or a cost breakdown by the contract, on all items included in the plan and specifications which are to be financed entirely from school district local funds.

(c) Cash allowance. A cash allowance item shall not be a part of specifications nor included in any contract which involves state matching funds.

(d) Fire insurance coverage on structure under contract. The general conditions incorporated in the specifications shall provide that the school district and/or the contractor shall effect and maintain fire insurance coverage on the structure under contract equal to one hundred percent of the insurable value thereof including materials in plan or on the premises for use in the construction.

(e) Bidder's guarantee requirements. Each bidder on a project approved for state assistance must submit with his bid a certified check or a cashier's check equivalent to at least five percent of the amount of the bid, or a bid bond. To facilitate the procuring of a certified check or a cashier's check prior to the determination of the amount of his bid, a contractor may submit a certified check or a cashier's check based on five percent of the architect's estimated cost of the work on which said contractor proposes to submit a bid.

(f) Governmental agency approvals of final plan and specifications. The final plan and specifications for modification of facilities to meet provisions of section 504 relating to handicapped accessibility shall be subject to the approval of the fire and health officials having jurisdiction and the state electrical inspector when applicable with respect to compliance with pertinent rules and regulations established by such agencies.

(g) The school district shall receive written approval of final plan and specifications by the agencies set forth above prior to the call for bid. Any exceptions indicated by the aforementioned agencies shall be corrected and so noted on the final plan and specifications or shall be

corrected by issuance of addenda to the specifications and/or revised drawings.

The architect shall certify that the final plan and specifications (construction documents) are in full compliance with pertinent public works statutory provisions, chapter 19.27 RCW, and any and all other pertinent statutes relating to construction of public buildings applicable to school building construction.

(2) The school district shall submit one copy of its final plan for modification of facilities to the state board of education for review and one copy each of the supporting documents listed below, if applicable:

(a) Form for certification of construction documents and final cost estimate of project, completed and signed by architect or by authorized representative of the school district.

(b) Signed copy or photocopy of letters of approval when required by governmental agencies in accordance with provisions of WAC 180-30-640.

(c) Signed or certified copy of contract between school district and architect.

(3) The school district shall obtain approval of final plan by the state board of education prior to call for bids on any project to be financed with state assistance.

NEW SECTION

WAC 180-30-830 PROGRAM FOR BARRIER FREE FACILITIES—APPROVAL OF FINAL PLAN. When upon review of final plan, final cost estimates and such other data as may be necessary for determination of eligibility, it is found by the state board that the project is eligible for state assistance, that the modification plan meets state board requirements and that funds are available for state assistance, the state board will grant approval of the project: **PROVIDED**, That such authorization shall be subject to the following conditions:

(1) Bid specifications. Bid specifications for a modification project approved by the state board of education for state participation in financing shall be in accordance with the approved final plan and specifications for such project on file in the office of the state board and shall be in conformity with provisions of WAC 180-30-825.

(2) Advertisement for bids. An advertisement for bids on any modification project approved by the state board of education for state participation in financing must be published once each week for two consecutive weeks in a journal of general circulation, such as the Daily Journal of Commerce or Northwest Construction News, and a like number of times in a publication circulated throughout the area.

NEW SECTION

WAC 180-30-835 PROGRAM FOR BARRIER FREE FACILITIES—BID DATA AND DOCUMENT REQUIREMENTS FOLLOWING BID OPENING. (1) After bids have been opened, the board of directors of the school district shall by resolution designate the successful bidder or bidders and transmit to

the state board of education one copy each of the documents listed below:

(a) Statement of project cost signed by the superintendent of the school district;

(b) Certified copy of recommendation of the board of directors for award of contract or contracts on the basis of bids received, including all alternates;

(c) Certified copy of each advertisement for bids;

(d) Certified tabulated statement of all bids received including bids on alternates, if any, with complete firm names and addresses of bidders. Each alternate listed must be designated by number and descriptive title conforming to the number and title set forth in the specifications. The certification must be made by the architect or authorized representative of the school district;

(e) Certification by school district of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with source of funds identified;

(f) Copies of all addenda to specifications.

(2) Authorization required for contract award. A contract, or contracts, for construction of a school modification project approved by the state board of education for state participation in financing from available state funds may not be entered into by the school district until authorization therefore has been received from the state board: **PROVIDED**, That a district qualifying for state assistance under provisions of WAC 180-30-205 may be considered for retroactive contract approval.

NEW SECTION

WAC 180-30-840 PROGRAM FOR BARRIER FREE FACILITIES—FINAL ALLOTMENT OF STATE FUNDS. Upon analysis of bids received, determination of state funds allowable under statutory provisions and state board of education regulations governing state participation in financing and determination that funds are available for state assistance in the proposed project, the state board of education will make a final allotment of state funds for participation in costs of modification of district facilities for compliance with handicapped accessibility requirements and authorize the school district to award contracts: **PROVIDED**, That such allotment and authorization shall be subject to the conditions and regulations set forth in subsections (1), (2) and (3) of this section:

(1) Negotiation of school building contracts. The state board of education shall approve for participative financing only those contracts where the original contract price for the project has been established by competitive bids.

(2) Final allotment of state funds.

(a) The final allotment of state funds for the modification project shall be contingent upon financial participation by the applicant school district in accordance with the financial program as set forth in the authorization document.

(b) Any part of a final allotment of state funds not required for completion of the modification project in accordance with the financial program as set forth in said authorization document shall revert to the state fund from which the allotment was made.

(3) Award of contract or contracts.

(a) Upon receipt of authorization by the state board of education, the board of directors of the school district may proceed with award of contract or contracts for modification of facilities in conformity with the analysis of bids as set forth in the aforesaid authorization document. Immediately following said award of contracts, the board of directors of the school district shall forward one signed or certified copy of each such contract to the state board of education.

(b) In the event the district has qualified for state assistance consideration as in WAC 180-30-805(2), such documentations as are required by this chapter must be submitted to the state board of education.

NEW SECTION

WAC 180-30-845 PROGRAM FOR BARRIER FREE FACILITIES—DISBURSEMENT OF FUNDS FOR MODIFICATION OF FACILITIES FOR HANDICAPPED ACCESSIBILITY. (1) The superintendent of public instruction is hereby authorized and directed to administer the disbursement of state funds allotted by the state board of education to school districts for modification of facilities for handicapped accessibility pursuant to provisions of section 504, public law 93-112, said disbursements to be in compliance with procedural regulations established by the state board, pertinent statutory requirements and such other requirements as the state superintendent may determine to be necessary.

(2) The superintendent of public instruction shall keep a complete and accurate record of each allotment of state assistance funds made to a school district by the state board of education and of all disbursements, unpaid balances and other matters connected therewith.

(3) Disbursement of funds shall be in sequence as set forth in WAC 180-30-715 through 180-30-740, with attendant requirements therein.

WSR 80-02-146**ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 2-80—Filed February 5, 1980]

Be it resolved by the State Board of Education, acting at Lynnwood, Washington, that it does promulgate and adopt the annexed rules relating to interscholastic activities, chapter 180-43 WAC.

This action is taken pursuant to Notice No. WSR 79-12-054 filed with the code reviser on 11/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.125 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED January 25, 1980.

By Wm. Ray Broadhead
Secretary

Chapter 180-43 WAC
INTERSCHOLASTIC ACTIVITIES

NEW SECTION

WAC 180-43-005 PURPOSE AND APPLICATION. The purpose of this chapter is to establish rules and regulations which implement RCW 28A.58.125 (1) and (3).

NEW SECTION

WAC 180-43-010 ANNUAL REPORT. The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.58.125, shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements.

(1) The annual report shall be delivered to the secretary of the board not later than November 1 of each calendar year.

(2) The annual report shall include the standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts.

(3) The annual report shall include a section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's first name and surname initial, school, the rule and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive board disposition and date.

NEW SECTION

WAC 180-43-015 RULES AND POLICIES. All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.58.125 and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

No such rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules shall be submitted annually by the association and other non-profit entities to the state board office on or before March 1 for initial review at the board's March meeting and, if subsequently revised, again on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

WSR 80-02-147

**ADOPTED RULES
STATE BOARD OF EDUCATION
[Order 3-80—Filed February 5, 1980]**

Be it resolved by the State Board of Education, acting at Lynnwood, Washington, that it does promulgate and adopt the annexed rules relating to secondary education, chapter 180-56 WAC.

This action is taken pursuant to Notice No. WSR 79-12-055 filed with the code reviser on 11/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

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

APPROVED AND ADOPTED January 25, 1980.

By Wm. Ray Broadhead
Secretary

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

WAC 180-56-031 WAIVER OF HIGH SCHOOL GRADUATION REQUIREMENTS. Specific high school graduation requirements established by WAC 180-56-021 and a school district may be waived for an individual student: **PROVIDED**, That they are not required by state statute: **PROVIDED FURTHER**, That in no case except for those students who commence ninth grade prior to July 1, 1977 may the minimum requirement of ((45)) forty-five credits be waived except as provided under RCW 28A.97.030.

Each school district board of directors may delegate the responsibility for granting such waivers to personnel who by virtue of their training and experience can best assess the student's circumstances.

Each school district board of directors shall adopt rules pursuant to which graduation requirement waivers may be made. Such rules shall at least provide:

(1) The procedures for initiating, investigating, deciding, reviewing the decision and recording the disposition of a waiver request; and

(2) That the rationale for any disposition of a waiver request be communicated to the student and the parents or guardian of the student.

WSR 80-02-148

**PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
[Filed February 5, 1980]**

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	WAC 182-12-115	Eligible employees and retirees.
Amd	WAC 182-12-122	Surviving dependents eligibility.
Amd	WAC 182-12-130	Retirees eligible for medicare.
Amd	WAC 182-12-190	Retirees changing medical plans at retirement.
New	WAC 182-12-132	Retirees returning to state employment.
Rep	WAC 182-12-135	Eligibility for employees on leave without pay;

that such agency will at 9:00 a.m., Friday, April 4, 1980, in the Department of Transportation, Materials Lab, Tumwater, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, April 4, 1980, in the Department of Transportation, Materials Lab, Tumwater, Washington.

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 April 3, 1980, and/or orally at 9:00 a.m., Friday, April 4, 1980, Department of Transportation, Materials Lab, Tumwater, Washington.

Dated: February 5, 1980
By: C. H. Shay
Group Insurance Analyst

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-115 ELIGIBLE EMPLOYEES AND RETIREES. The following definitions of eligible employees and retirees of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "Full-time employees." Those who work a full-time work week for their agency and are expected to be employed for more than six months.

(2) "Permanent part-time employees." Those who do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month.

(3) "Career seasonal employees." Those who work at least 80 hours per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(5) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(6) "Retirees ((or) and disabled employees." ((Retirees)) Persons retiring are eligible for ((only the medical plans if they will be)) retiree medical coverage if they will immediately begin receiving a monthly retirement income benefit from ((any SEIB approved retirement system, and employees)) a Washington state sponsored retirement system. Employees who are permanently and totally disabled and deferring receipt of a monthly retirement income benefit are likewise eligible, provided ((the retiree or disabled person applies)) they apply for retiree medical coverage before their SEIB active employee medical coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University Cooperative Extension Service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-122 SURVIVING DEPENDENTS ELIGIBILITY. The following classes of surviving dependents may continue their coverage in the medical program up to the age limits for dependent children by premium withholding or direct payment of premium: (1) ((Surviving dependents of a deceased retiree, and (2) surviving dependents of a deceased employee with ten or more years of credited service. PROVIDED, Such surviving dependents will be receiving a monthly retirement income benefit from any SEIB approved retirement system which was of an eligible entity, as defined in WAC 182-12-111, at the time of the retiree/employee's death.)) Surviving spouse and/or eligible dependent children of a deceased retiree who were covered as dependents under the SEIB retiree medical plan at the time of the retiree's death, and (2) surviving spouse and/or eligible dependent children of a deceased employee who were covered as dependents under the SEIB employee medical plan at the time of the employee's death and who will immediately begin receiving a monthly retirement income benefit from a Washington state sponsored retirement system. Application for surviving dependents medical coverage must be made within thirty-one days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. ((With regard to dependents of deceased employees, this rule applies to death occurring after January 1, 1978. Dependents of employees who died between January 1, 1978 and the effective date of this rule must apply for coverage no later than July 1, 1978, and their coverage will be effective July 1, 1978.)) Surviving dependents are not eligible for retiree life insurance. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University Cooperative Extension Service employees who held a federal civil service appointment and who were covered under the SEIB program at the time of death.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-130 RETIREES ((DECLINING)) ELIGIBLE FOR MEDICARE. ((Retirees who are eligible for Medicare, but through their own choice decline to enroll in Medicare.)) A retiree or retiree's eligible dependent who becomes covered under both Parts A and B of Medicare may enroll in the SEIB Medicare Supplement ((with the clear understanding that the coverage supplied by the SEIB program is limited coverage based on Medicare enrollment)) at the appropriate Medicare Supplement subscription rate. All other retirees and dependents must pay the full subscription rate for coverage applicable to persons not eligible for Medicare to obtain retiree medical coverage.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-190 RETIREES CHANGING MEDICAL PLANS AT RETIREMENT. Retirees eligible to continue their medical ((insurance)) coverage after retirement may elect to change medical plans at the time of retirement. ((Changes after retirement shall be subject to open enrollment being established by the board and in accordance with WAC 182-08-090.))

NEW SECTION

WAC 182-12-132 RETIREES RETURNING TO STATE EMPLOYMENT. Retirees enrolled in the SEIB retiree medical and/or life program, who return to active employment in an otherwise non-eligible position, shall be eligible to continue such coverage on a direct payment basis beginning on the date their eligibility for SEIB retiree coverage would otherwise terminate.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-135 Eligibility For Employees On Leave Without Pay

WSR 80-02-149

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed February 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning state of Washington Need Grant Program, amending WAC 250-20-011, 250-20-041 and 250-20-021;

that such agency will at 10:00 a.m., Wednesday, April 2, 1980, in the Washington/California Room, Student Union Building, Gonzaga University, Spokane, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 3, 1980, in the Washington/California Room, SUB, Gonzaga University, Spokane, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1980.

Dated: February 4, 1980

By: Chalmers Gail Norris
Executive Coordinator

AMENDATORY SECTION (Amending Order 5-79, filed 6/15/79)

WAC 250-20-011 STUDENT ELIGIBILITY. (1) For a student to be eligible for a State Need Grant he or she must:

(a) Be a "needy student" or "disadvantaged student" as determined by the Council for Postsecondary Education in accordance with RCW 28B.10.802.

(b) Have been domiciled within the State of Washington for at least one year.

(c) Be enrolled or accepted for enrollment as a full-time undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the State of Washington.

(i) For purposes of Need Grant eligibility, the student must be enrolled in a course load of at least twelve credits per quarter or semester or, in the case of institutions which do not use credit hours, 24 clock hours per week unless it is documented that "full-time" for the particular course the student is pursuing is less than twelve credits per quarter or semester or 24 clock hours per week. Should a student be in such a course of study, he or she must be enrolled for the number of credit or clock hours accepted as full-time for that course of study. A grant recipient enrolled less than full-time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to full-time status. If, on the written recommendation of a counselor or a professor, and in accordance with agreement by the financial aid officer, the student enrolls in a course load less than full-time, the student will be allowed to retain his or her grant for that term. Correspondence courses may not be counted in the calculation of a full-time load.

(ii) In addition to enrolling full-time, the student is also expected to satisfactorily complete twelve credit hours per quarter or semester or, in the case of institutions which do not use credit hours 24 clock hours per week or the appropriate number of hours as documented.

Each institution must submit to the Council for Postsecondary Education for approval its policy for awarding financial aid to students who do not complete the required number of credit or clock hours. The financial aid office must have on record in each student's file justification on reawarding a Need Grant to any student who received a grant the previous academic term and did not complete a full-time course load during that term.

(iii) If the council is notified in writing that a Need Grant recipient will not attend the institution for a term during the academic year of the grand award, but plans to return that same academic year, a portion of the full year's grant may be awarded for those terms the student attends full-time.

(d) Not be pursuing a degree in theology.

(e) Be a citizen of the United States or in the process of becoming a citizen.

(f) Not have received a State Need Grant for more than eight semesters or twelve quarters or equivalent or a combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible. A fifth-year student in a program requiring five years for a bachelor's degree may receive a State Need Grant if he or she has not received a State Need Grant for the maximum number of quarters or semesters.

(g) Have made a bona fide application for a Basic Educational Opportunity Grant, but students attending Clover Park, L. H. Bates, and Bellingham Vocational-Technical Institutes shall be exempt from this requirement until July 1, 198((0))].

(h) Certify that he or she does not owe a refund on a State Need Grant, a Basic Educational Opportunity Grant, and is not in default on a loan made, insured or guaranteed under the National Direct Student Loan or Guaranteed Student Loan 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.

AMENDATORY SECTION (Amending order 5-79, filed 6/15/79)

WAC 250-20-021 PROGRAM DEFINITIONS. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools,

and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the State of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011-RCW 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which the Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than five years shall mean the sum of the assumed parents' contribution, contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of contribution from students assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Basic Grants, BIA grants, those portions of agency funds designated for tuition and fees, and student employment are to be used as matching funds and as such are not included as "additional student resources".

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table and the student's total family contribution. Ranking factors: Students living with parents - ~~((\\$))1970; Single ((S))~~ students living away from parents - ~~((\\$))2770; ~~((Two-person families))~~ Married couple, one student, or single parent with child - ~~((\\$))4065; Married couple, both students - 5540. ((plus))~~ ~~((#))~~ An additional ~~((\\$))1000 may be added for the first dependent and \$800 added for each subsequent dependent.~~~~

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hours" means a period of time which is the equivalent of either:

- (a) A 50 or 60 minute class, lecture, or recitation, or
- (b) A 50 to 60 minute period of faculty-supervised laboratory, shop training or internship.

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 5/79, filed 6/15/79)

WAC 250-20-041 AWARD PROCEDURE. (1) The Council shall annually determine recipients of Washington State Need Grants from among Washington residents who have applied either directly or indirectly for a State Need Grant by ranking them according to their State Need Indexes.

(2) Grant receipt shall be determined by the inability of the student and family, if appropriate to contribute to the postsecondary educational costs of the applicant as demonstrated by the State Need Index of the student.

(3) Maximum and minimum grant amounts will be established by the Council each year.

(4) Students may receive the prorated portion of their State Need Grant for any academic period in which they are enrolled full-time. Depending on the availability of funds, students may receive a Need Grant for summer session attendance.

(5) Upon determination of grant recipients, the Council will notify the institution of the applicants who will receive a State Need Grant and the amounts of the grants.

(6) The institution will be expected, insofar as possible, to match the State Need Grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a State Need Grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. ~~((Should a Need Grant recipient be employed in a work/study position, however, the student may be allowed to earn up to \$200 above his or her need in order to continue employment to the end of the academic year.))~~ The student will not be considered overawarded if: (1) he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year, or (2) the student earns more money from employment than the institution anticipated when it awarded the State Need Grant and the excess is treated in accordance with the method specified in the State Need Grant operational guidelines.

(8) The institution will notify the student of receipt of the State Need Grant.

(9) Grant receipt for those students nominated by the institutions or applying directly to the Council after the initial closing date will be determined in the same manner as described in WAC 250-20-041(1) and 250-20-041(2) above.

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 80-02-150

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed February 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning state of Washington College Work Study Program, amending WAC 250-40-040 and 250-40-050;

that such agency will at 9:30 a.m., Wednesday, April 2, 1980, in the Washington/California Room, SUB, Gonzaga University, Spokane, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, April 3, 1980, in the Washington/California Room, SUB, Gonzaga University, Spokane, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1980.

Dated: February 4, 1980

By: Chalmers Gail Norris
Executive Coordinator

AMENDATORY SECTION (Amending Order 5-77, filed 5/11/77)

WAC 240-40-040 STUDENT ELIGIBILITY AND SELECTION. (1) Eligibility criteria. In order to be eligible for employment under this program the student must:

- (a) Demonstrate financial need.
- (b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.
- (c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program.
- (d) Not be pursuing a degree in theology.

(2) Criteria for institutional determination of financial need and the making of awards.

(a) Budgetary costs will be determined by the institution subject to approval by the Council for Postsecondary Education. The advisory committee authorized by WAC 250-40-070(6) of these regulations will review each budget for reasonableness and make recommendations to the council for approval or disapproval.

(b) Total applicant resources shall be determined according to the uniform methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The Work-Study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. In the case of students attending participating private institutions, the ~~((combination))~~ sum of the state share of the State Work Study ~~((award))~~ wages and a State Need Grant, if awarded, may not exceed the ~~((difference between))~~ non-tuition and fee portion of the student's budgetary cost ~~((minus tuition and fees and the student's total resources)).~~

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain at least half-time status. The institution must submit its policy to the council for approval. The

advisory committee authorized by WAC 250-40-070(6) will make recommendations to the Council for approval or disapproval of each institution's policy.

(3) Priorities in placing students. (a) The institution should make every effort to provide opportunities for student employment in an area related to the student's course of study. At the time of job placement, the student who is able to obtain course related employment shall be awarded in favor of one who is not able to obtain such employment.

(b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.

(c) It is the intent of the Work Study Program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and, who but for this program would normally be forced to rely heavily on loans.

Reviser's Note: The above amendatory section was filed by the agency as WAC 240-40-040. However, the other rules for the Council for Postsecondary Education are found in Title 250 WAC. The section amended above appears to be WAC 250-40-040, but pursuant to RCW 34.08.040, it is published in the same form as filed by the agency.

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 3-78, filed 7/7/78)

WAC 240-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services. State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees. In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

(3) Appeals. The council shall be notified of any violation of the requirements under (1) and (2) above. If satisfactory resolution cannot be made by the council, the advisory committee authorized by WAC 250-40-070(6) shall review the appeal and make a recommendation to the council on the disposition of the appeal.

(4) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. However, if necessary to complete a special state work-study assignment, or to continue employment to the end of an academic term, the student may be allowed, upon agreement of the financial aid officer, to earn up to an additional \$200 through the State Work Study program without penalty. In addition, a student wishing to extend his or her experience beyond the \$200 maximum may, after all possible adjustments have been made in the financial aid package, replace expected family contribution by continuing in his or her employment position for the balance of the academic year if the employer pays 100 percent of the student's compensation.

(5) State share of student compensation. The state share of compensation paid students employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in a pilot program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(6) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (5) above, plus the costs any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws.

(7) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(8) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds. Further, the student cannot accept other on-campus employment which results in achievement of a change in residency status for tuition and fee purposes under RCW 28B.15.014.

(9) Types of work prohibited. Work performed by a student under the State College Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(10) Relationship to formula staffing percentage. Placement of State Work Study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the Legislature.

Reviser's Note: The above amendatory section was filed by the agency as WAC 240-40-050. However, the other rules for the Council for Postsecondary Education are found in Title 250 WAC. The section amended above appears to be WAC 250-40-050, but pursuant to RCW 34.08.040, it is published in the same form as filed by the agency.

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 80-02-151

NOTICE OF PUBLIC MEETINGS

PARKS AND RECREATION COMMISSION

[Memorandum, Ass't. Att. Gen.—February 5, 1980]

On behalf of the Washington State Parks and Recreation Commission, and pursuant to RCW 42.30.075, notice is hereby given of a change in the location of the Commission's meeting scheduled for March 17, 1980. The original location of Longview, as published in WSR 80-01-062, has been changed to Kelso, where the meeting will begin at 9:00 a.m. in the Thunderbird Motor Inn, 510 Kelso Drive.

WSR 80-02-152

PROPOSED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Filed February 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the Educational Services Registration Act, chapter 28B.05 RCW;

that such agency will at 1:30 p.m., Wednesday, April 2, 1980, in the Washington/California Room, SUB, Gonzaga University, Spokane, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 3, 1980, in the Washington/California Room, SUB, Gonzaga University, Spokane, Washington.

The authority under which these rules are proposed is RCW 28B.05.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980.

Dated: February 5, 1980
By: Chalmers Gail Norris
Executive Coordinator

AMENDATORY SECTION (Amending Order 13-79, Filed December 18, 1979)

WAC 250-55-030 EXEMPTIONS. The following types of education and institutions are exempted from the provisions of the act and this chapter:

(1) Education offered or sponsored by a bona fide trade, business, professional, or fraternal organization primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature, as defined in WAC 250-55-020(7), and institutions offering such education exclusively: **PROVIDED**, That the institution does not advertise, promote, or offer educational credentials;

(3) Education offered by charitable institutions, organizations or agencies, as defined in WAC 250-55-020(6): **PROVIDED**, That the institution, organization or agency does not advertise, promote, or offer educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A (Common Schools), 28B (Higher Education), and 28C (Vocational Education) RCW;

(5) Institutions that have received institutional accreditation from any accrediting association recognized by the council under the provisions of WAC 250-55-220: **PROVIDED**,

(a) That this exemption shall pertain only to the types of educational credentials for which the institution is accredited;

(b) That an institution, branch, extension or facility operating within the state of Washington, which is affiliated with an institution operating in another state, must have separate institutional accreditation from a recognized accrediting association to qualify for this exemption;

(c) That an institution offering instruction on a federal installation solely to federal employees, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for this exemption; and

(d) That a dual-purpose institution, as defined in RCW 28B.05.030(12), shall not be exempted under the provisions of both chapters 250-55 and 490-600 WAC unless it is specifically exempted under the provisions of both chapters.

(6) Any other institution to the extent that [is] it has been exempted from some or all of the provisions of the act and this chapter in accordance with the hardship exemption procedure outlined in RCW 28B.05.130 and the hearing procedure outlined in WAC 250-55-210. An application for a hardship exemption shall be submitted on a form developed by the executive coordinator and shall include descriptive information about the institution, as required in WAC 250-55-040(1)(c); a list of the specific provisions for which an exemption is requested; an explanation of the hardship(s) created by those provisions; and an explanation of why, in the opinion of the chief administrator, the requested exemption(s) would not [unnecessarily] frustrate the purposes of the act.

(7) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs and other official publications.

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 80-02-153

NOTICE OF PUBLIC MEETINGS EMPLOYMENT AND TRAINING COUNCIL [Memorandum, Administrator—January 31, 1980]

The Washington State Employment and Training Council will meet on March 21, 1980 at the Governor House Motor Hotel, 621 S. Capitol Way, Olympia, beginning at 9:30 a.m. The Council is Governor Ray's advisory body on employment, training and education.

The meeting is open to the public. Interpreters for people with hearing impairments or taped information for people with visual impairments can be provided if requested at least one week in advance. Please contact Tom Heavey at 1007 S. Washington Street, Olympia, Washington 98504, (206) 753-5250, if in need of these services or other information regarding the meeting. The meeting site is barrier-free for wheelchairs.

WSR 80-02-154

PROPOSED RULES BELLEVUE COMMUNITY COLLEGE [Filed February 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning Affirmative Action Policy of Community College District VIII, amending WAC 132H-148-020 through 132H-148-100;

that such institution will at 1:30 p.m., Tuesday, March 4, 1980, in the Board Room, Bellevue Campus, Bellevue Community College, 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, March 4, 1980, in the Board Room, Bellevue Campus, Bellevue Community College, 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 March 4, 1980, and/or orally at 1:30 p.m., Tuesday, March 4, 1980, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: February 4, 1980
By: Thomas E. O'Connell
Secretary

AMENDATORY SECTION (Amending Order 3, filed 10/19/72)

WAC 132H-148-020 EQUAL OPPORTUNITY EMPLOYER. Community College District VIII hereby requires that faculty, administration and staff personnel comply with the spirit and intent of all federal and state statutes related to equal employment opportunities.

Community College District VIII (~~also pledges~~) shall strive to do business with agencies, persons, vendors, and other organizations (~~who demonstrate~~) demonstrating equal employment opportunities and having (~~establish~~) established Affirmative Action Programs.

Community College District VIII ~~((with))~~ shall employ, train, and promote personnel on the basis of qualifications and experience without regard to race, creed, color, sex, age, or national origin, handicap, or disabled veteran status. Through this policy, Community College District VIII ~~((with))~~ shall seek positive and affirmative action to help open job and program opportunities and ~~((with))~~ shall actively recruit minority ~~((group))~~ persons, ~~((and females))~~ women, handicapped persons, and Vietnam-Era and disabled veterans.

Community College District VIII recognizes the necessity of close-working relationships and charges the President of Community College District VIII and his/her designee, the Affirmative Action Administrator, as well as the Dean of Instruction, the Dean of Student Services, ~~((the Business Manager,))~~ the Dean of Administrative Services, the Director of Personnel, Division Chairmen, Program Chairmen, and all others with the responsibility for actively recruiting qualified minorities, ~~((to include Native Americans, Chicanos, Asiatics, Blacks and females:))~~ women, handicapped persons, and Vietnam-Era and disabled veterans.

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 3, filed 10/19/72)

WAC 132H-148-030 RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION. The key to an effective action-oriented affirmative action program for Community College District VIII lies in the centralization of responsibility for implementation of the affirmative action program in an ~~((affirmative action administrator))~~ Affirmative Action Administrator, and the cooperation of all members of the college community with the Affirmative Action Administrator.

To that end the President of Community College District VIII ~~((with))~~ shall appoint an Affirmative Action Administrator who ~~((is acceptable to the))~~ reports directly to the President. While it is desirable to have an Affirmative Action Administrator on a full-time basis, it is also realized that budgetary limitations may require that this individual have other responsibilities. These other responsibilities shall be compatible with, and complement the responsibilities of the Affirmative Action Administrator to assure an action-oriented program of minority persons, ~~((and female))~~ women, handicapped persons, and Vietnam-Era and disabled veteran recruitment in Community College District VIII.

Overall supervision and responsibility of the affirmative action program for Community College District VIII lies with the Affirmative Action Administrator. To this end the Administrator shall be responsible for ~~((effecting))~~ affecting the following ~~((programs))~~ areas: (1) The identification of problem areas (deficiencies) by organizational units and job classification. This study shall be updated each year.

(2) The auditing of reports by supervisory personnel as to progress in achieving representation by minority ~~((group members and females in all phases of))~~ persons, women, handicapped persons, and Vietnam-Era and disabled veterans in college employment.

(3) Consultation with supervisory personnel prior to any new employment by the district. The supervisory personnel must satisfy the Affirmative Action Administrator that they have a plan for effective recruiting and consideration of minority ~~((group members and females))~~ persons, women, handicapped persons, and Vietnam-Era and disabled veterans for the new position.

(4) Based upon the department and category deficiency analysis and projections of future employment, the Affirmative Action Administrator in cooperation with the Affirmative Action Committee, ~~((with))~~ shall periodically prepare specific action-oriented goals and ~~((time tables))~~ timetables for minority persons, ~~((and female))~~ women, handicapped persons, and Vietnam-Era and disabled veteran employment on a departmental and categorical basis, in Community College District VIII. These goals and ~~((time tables))~~ timetables ~~((with))~~ shall be realistically set and based upon projections of new employment on a departmental basis. These goals shall be in keeping with the overall college goals stated in this affirmative action program for the effective implementation of equal employment opportunity in Community College District VIII.

(5) The Affirmative Action Administrator shall be responsible for learning of new developments concerning federal and state requirements as to employment of ~~((females and minorities))~~ minority persons, women, handicapped persons, and Vietnam-Era and disabled

veterans and shall be responsible for the dissemination of all new developments to supervisory personnel.

(6) The Affirmative Action Administrator shall examine job criteria in Community College District VIII for various positions to insure that all job criteria are directly related to job performance to insure that unnecessary impediments to minority persons, ~~((or female))~~ women, handicapped persons, and Vietnam-Era and disabled veteran hiring are removed where job performance would not be adversely affected.

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 36, filed 11/10/75)

WAC 132H-148-040 AFFIRMATIVE ACTION COMMITTEE. The President of Bellevue Community College ~~((with))~~ shall appoint an Affirmative Action Committee ~~((whose composition is at the discretion of the President:))~~ to be chaired by a member of the committee. The President of Bellevue Community College shall invite the President of the BCCEA, the President of the CEABCC, the President of ASB, and the Shop Steward for Bargaining Unit B to appoint a representative of their constituency to be included in the membership of the Affirmative Action Committee.

The Board of Trustees reiterates its commitment to equal opportunity in Community College District VIII and charges the Affirmative Action Committee with the responsibility of formulating departmental and job classification goals to aid in implementation of its affirmative action program. The committee's major responsibility shall be to oversee and evaluate effectiveness of the college's affirmative action program. (1) The Affirmative Action Committee ~~((with))~~ shall determine that all ~~((personnel))~~ persons charged with the responsibility ~~((for))~~ of recommending, employing, training, and promoting personnel ~~((minority groups and females))~~ are actively complying with the ~~((affirmative action policy))~~ Affirmative Action Policy regarding minority persons, women, handicapped persons, and Vietnam-Era and disabled veterans.

(2) The President shall meet with the Chairman of the Affirmative Action Committee to discuss affirmative action implications on proposed major organizational changes.

~~((2))~~ (3) In conjunction with the Affirmative Action Administrator, the Affirmative Action Committee shall be responsible for setting goals and ~~((time tables))~~ timetables on a department and job classification basis for employment in Community College District VIII.

These goals and ~~((time tables))~~ timetables should be attainable in terms of the deficiency analysis prepared by the Affirmative Action Administrator, and the employment possibilities at the college. These goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

These departmental and job classification goals shall be based upon the requirements for establishment of goals and ~~((time tables))~~ timetables and Revised Order No. 4, CFR Section 60.2.12.

These goals shall be designed to correct identifiable deficiencies and should be significant, measurable, and attainable. ~~((Following an analysis of the deficiencies on a departmental and job classification basis, in some areas numerical or percentage goals may be considered relevant:))~~ Numerical or percentage goals may be considered relevant in some cases following an analysis of the deficiencies on a departmental and job classification basis. In these cases the Affirmative Action Committee shall develop such numerical and percentage goals based upon Section 60.2.11 of Revised Order No. 4.

The periodic setting of goals and ~~((time tables))~~ timetables by the Affirmative Action Committee shall be considered an integral part of this affirmative action program, and these goals and ~~((time tables))~~ timetables shall be considered as incorporated into this affirmative action program of Community College District VIII.

~~((3))~~ (4) In conjunction with the Affirmative Action Administrator, the Affirmative Action Committee shall examine the progress of ~~((minority and female hiring))~~ minority persons, women, handicapped persons, and Vietnam-Era and disabled veterans employment, training, and promoting on a departmental basis and determine in what areas these goals have not been met.

~~(4)~~ (5) The Affirmative Action Committee shall have the responsibility for developing goals and evaluating the progress of the affirmative action program in Community College District VIII. The primary responsibility for implementation and effectiveness of the affirmative action program in Community College District VIII lies with the Affirmative Action Administrator, and it is the Administrator's responsibility to secure cooperation from all supervisory personnel in fulfilling the goals and ~~((time-tables))~~ timetables established by the Affirmative Action Committee.

~~(5)~~ (6) The Affirmative Action Committee shall explore areas of ~~((unintentional))~~ alleged discrimination and communicate these to the President for ~~((remediating))~~ remedial action.

~~(6)~~ (7) The Affirmative Action Committee shall be responsible for the formulation of plans to include ~~((minority groups and females))~~ minority persons, women, handicapped persons, and Vietnam-Era and disabled veterans in job categories not presently filled by ((members of the categories)) these persons.

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 3, filed 10/19/72)

WAC 132H-148-050 PERSONNEL RECRUITMENT. The Affirmative Action Administrator ~~((will))~~ shall have the responsibility for contacting agencies such as the local branch of the Urban League, Washington Multi-Service Office, the Seattle Opportunities Industrialization Center, and other bona fide agencies that maintain lists of potential ~~((minority group and female employee candidates:))~~ employee candidates of minority persons, women, handicapped persons, and Vietnam-Era and disabled veterans either in writing, by telephone, or in person advising of the vacancies at the college and inviting these agencies to provide the college with names, addresses and telephone numbers of ((persons of minority groups and females)) minority persons, women, handicapped persons, and Vietnam-Era and disabled veterans that may be available for interviews. The Affirmative Action Administrator shall also place advertisements in the Seattle Times, Seattle Post-Intelligencer, Daily Journal American, and Portland Oregonian when there are too few qualified applicants for positions. The Affirmative Action Administrator will furnish lists of available candidates to all supervisory personnel and the Director of Personnel engaged in hiring new employees and will assure that the process by which all new hiring takes place will give effective opportunity to ~~((minority and female))~~ minority persons, women, handicapped persons, and Vietnam-Era and disabled veteran candidates and will aid in the process of increasing ((minority and female)) representation at all levels of college employment.

For the purposes of the Affirmative Action Program, new hiring includes the hiring of all classified and exempt employees, all academic employees and the filling of any full-time academic position. When a full-time academic position becomes open, the Affirmative Action Administrator is to insure that all candidates including present part-time personnel are given fair consideration and that recruiting ~~((and interviewing))~~ takes place among minority, ((and female)) women, handicapped and Vietnam-Era and disabled veteran applicants to secure an increasing representation ((of minority and female applicants)) at all levels of college employment.

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 3, filed 10/19/72)

WAC 132H-148-060 UTILIZATION ANALYSIS. For purposes of compiling audits of departmental and job category deficiencies and progress made in these categories, division chairmen and administrative supervisors ~~((will))~~ shall submit to the Affirmative Action Administrator on or before the last day of the spring quarter each year a

report concerning the operation and effectiveness of the affirmative action program in his/her respective administrative unit or division.

The person writing this report shall be familiar with the date required by Section 60.2.11 of Revised Order No. 4, and shall include sufficient data to enable the Affirmative Action Administrator to comply with the required utilization analysis.

In cases in which the Affirmative Action Committee has previously noted deficiencies within the responsibility of the supervisor, the supervisor shall report on the progress made to rectify the deficiency and shall give reasons why any deficiencies may still 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 3, filed 10/19/72)

WAC 132H-148-070 COMPLAINT OF DISCRIMINATION GRIEVANCE PROCEDURE. Any individual who feels he or she has been discriminated against in matters of employment by either the college or individual members of the college for reasons of ~~((sex, color, ethnic origin, national origin or age may file a complaint:))~~ race, creed, color, sex, age, national origin, handicap, or Vietnam-Era or disabled veteran status may lodge a formal institutional grievance by: ((He or she should first file a complaint with his or her immediate supervisor. If it is not resolved at this level to the complainant's satisfaction within fifteen (15) days, he should file a written complaint with the Affirmative Action Committee. If the complaint isn't satisfactorily resolved by the Affirmative Action Committee, the complainant should be guided by the Community College District VIII grievance procedures in the Faculty Handbook.

If the complainant is not a member of the college community he or she should file their complaint with the Affirmative Action Administrator. The complaint shall be in writing. Within fifteen (15) days, the Affirmative Action Administrator will investigate the complaint by interviewing all parties involved. The parties involved will be requested to document in writing their part in the complaint. The Affirmative Action Administrator will compile a written report with his findings and recommendations to the President.

If necessary, the President or his designee will meet and confer with the complainant and other involved parties in order to provide them an opportunity to offer any additional information. Within fifteen (15) days of receiving the written report, the President will inform the complainant of his decision:)) (1) Step 1: Informal Meeting. Requesting an informal meeting with the individual believed to have committed the alleged discriminatory act and attempting to informally resolve the concern.

(2) Step 2: Affirmative Action Administrator Hearing. If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance(s), a meeting with the College Affirmative Action Administrator. Within 30 days of receiving the written request, the Affirmative Action Administrator shall have arranged a meeting and reported the findings, in writing, to both the complainant and the person toward whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the Affirmative Action Administrator will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person toward whom the complaint is directed, and the Affirmative Action Administrator who will chair the meeting.

(3) Step 3: Presidential Appeal. If the complaint is not resolved as a result of the hearing conducted by the Affirmative Action Administrator, either the complainant or the person toward whom the complaint is directed may request an appeal to the College President in writing within 10 days after receiving the written results of the Affirmative Action Administrator's hearing. Within 15 days after receiving the written request, the College President or the President's designee shall conduct the Presidential Appeal hearing and report the findings in writing to both the complainant and the person toward whom the complaint is directed.

(a) The College President or designee, the Affirmative Action Administrator, the complainant, and the person toward whom the complaint is directed shall attend the Presidential Appeal hearing. The College President or presidential designee shall preside.

(b) Either the complainant or person toward whom the complaint is directed may have witnesses present at the discretion of the person presiding.

(c) The written findings of the Presidential Appeal will generally be considered final with the following provisions:

(i) The President shall communicate his/her written findings to the Board of Trustees, Community College District VIII.

(ii) The Board of Trustees shall accept the written findings as presented or at their discretion offer the complainant a Board Appeal.

(4) Step 4: Board Appeal. Should the Board of Trustees offer the complainant a Board Appeal, and should the complainant accept this Appeal, the following procedure will apply. Within 30 days of the Board of Trustees' decision to conduct a Board Appeal, they shall invite the College President or his/her designee, the Affirmative Action Administrator, the complainant, and the person toward whom the complaint is directed, to a meeting to be presided over by the Chairman of the Board of Trustees or his/her designee.

Inquiries or appeals may be made directly to: Regional Director, Office of Civil Rights, HEW; 1321 Second Avenue; Seattle, WA 98101.

The Equal Employment Opportunity Commission; 710 Second Avenue; Seattle, WA 98101.

Human Rights Commission; 402 Evergreen Plaza Building; 7th and Capitol Way; Olympia, WA 98504.

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.

AMENDATORY SECTION (Amending Order 3, filed 10/19/72)

WAC 132H-148-080 DISSEMINATION. To assure that all members of the staff with employment-recommending-authority understand and comply with our affirmative action policy, a copy of this policy and procedures ~~((with))~~ shall be issued to all supervisory personnel. At the time a new employee is hired, the policy will be explained and the procedures are to be read by the new employee. All employees of the district, current and newly hired, ~~((with))~~ shall be furnished a copy of the affirmative action policy. ~~((and implementation procedures:))~~

At periodic intervals the Affirmative Action Administrator ~~((with))~~ shall conduct a meeting at which all supervisory personnel who have any hiring responsibilities ~~((with))~~ shall be informed of the methods for compliance with Community College District VIII's Affirmative Action Program. At this meeting, supervisory personnel ~~((with))~~ shall be reminded that the Affirmative Action Program requires that prior to any hiring the supervisory personnel must satisfy the Affirmative Action Administrator as to the departmental compliance with the Affirmative Action Program.

AMENDATORY SECTION (Amending Order 3, filed 10/19/72)

WAC 132H-148-090 PURCHASING SUBCONTRACTORS. The college ~~((with))~~ shall incorporate the Equal Opportunity Clause in each non-exempt first-tier subcontracting purchase order having a face value of \$10,000 or more and contractors and subcontractors ~~((with))~~ shall be required to assure compliance with the provisions of federal Executive Order No. 11246 as it pertains to them. Such compliance is a requirement for participation in the bidding process of Community College District VIII, and only qualified vendors and agents shall be invited to bid.

AMENDATORY SECTION (Amending Order 3, filed 10/19/72)

WAC 132H-148-100 PUBLIC WORKS PROJECTS. Public works contracts for Community College District VIII are administered through the Department of General Administration, Division of Engineering and Architecture, Olympia, Washington. Contractors are expected to comply with the state and federal rules and regulations pertaining to public works contracts as specified by the Department of General Administration.

Reviser's Note: The above section appears, pursuant to RCW 34.08.040, exactly as filed by the agency.

WSR 80-02-155
NOTICE OF PUBLIC MEETINGS
PLANNING AND
COMMUNITY AFFAIRS AGENCY
[Memorandum, Director—February 4, 1980]

Economic Opportunity Division Advisory Council

The Economic Opportunity Division Advisory Council will meet on February 20 from 10:00 a.m. to 5:00 p.m. and on February 21 from 9:00 a.m. to 4:00 p.m. in the fourth floor conference room of the Planning and Community Affairs Agency, 410 West 5th (5th and Sylvester), Olympia. For additional information, contact Carolyn Wyman, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4934.

Community Services/Continuing Education Advisory Council (Title I Higher Education Act)

The Community Services/Continuing Education Advisory Council will meet on March 27-28, 1980, beginning at 10:00 a.m. at the Sheraton-Spokane Hotel, N. 322 Spokane Falls Ct., Spokane, Washington. The Council will hear oral reviews for the 1980 Title I projects. For additional information, contact Doris Coates, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4940.

State Building Code Advisory Council

The State Building Code Advisory Council will hold a joint meeting with the Consulting Energy Panel to discuss the proposed Washington State Energy Code on Wednesday, March 5, 1980, from 9:30 am to 4:30 pm at the Sea-Tac Hyatt House, 1700 Pacific Highway South, one block north of the airport on Highway 99. For additional information contact Christopher Woodsum, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 754-1243.

WSR 80-02-156
PROPOSED RULES
PUBLIC EMPLOYMENT RELATIONS COMMISSION
[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.56.090 and 41.58.050, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning chapter 184, Laws of 1979 ex. sess. (S.B. 2852) revised the procedure for impasse resolution involving police and firemen. These amended rules reflect that procedure, WAC 391-21-700 et seq.;

that such agency will at 1:30 p.m., Friday, March 21, 1980, in the Conference Room, Evergreen Plaza Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, March 21, 1980, in the Conference Room, Evergreen Plaza Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 41.56.090 and 41.58.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1980, and/or orally at 1:30 p.m., Friday, March 21, 1980, Conference Room, Evergreen Plaza Building, Olympia, Washington 98504.

Dated: February 6, 1980

By: Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-700 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION. ~~((If, following bilateral collective bargaining negotiations, a party or the parties jointly feel that their sincere efforts towards reaching a collective bargaining agreement will not produce that result or resolve their differences, either party or the parties jointly may request from the commission assistance for the settlement of such dispute through mediation:))~~ A request for mediation may be made in writing or by telephone, but shall be confirmed in writing if made by telephone. The party or parties requesting mediation shall provide the following information to the agency:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations(-);

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) The name and address of the association or other organization, if any, filing the request on behalf of the employer or exclusive representative seeking mediation;

(4) ~~((A declaration that an impasse has been reached in collective bargaining;~~

(5)) A clear and concise statement of the disputed issues and the parties' positions in relation thereto;

~~((6))~~ (5) A description of the size and composition of the bargaining unit involved;

~~((7))~~ (6) The expiration date of any collective bargaining agreement then in effect or recently expired;

~~((8))~~ (7) Any other relevant information; and

~~((9))~~ (8) The name, signature, and capacity of each officer, attorney, or other individual acting for the filing party or parties.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-702 IMPASSE RESOLUTION—DETERMINATION WHETHER ASSISTANCE IS NEEDED. Upon filing of a ~~((unilateral))~~ request for mediation, the executive director shall ~~((determine the position of the party other than the party making the request. If it appears that the assistance of the agency is needed, the executive director shall))~~ appoint a mediator from the list of qualified persons maintained by the commission for that purpose. If the parties have ~~((filed a stipulation listing))~~ stipulated the names of one or more persons who are acceptable to both parties as mediator, then the executive director shall ~~((consistent with the availability of such individual, attempt to conform to the express desires of the parties))~~ consider their desires.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-708 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION. ~~((Any))~~ Information disclosed by the parties to the mediator in confidence during the course of mediation ~~((proceedings))~~ shall not be divulged ~~((unless such disclosure is approved by the party which originated the confidential disclosure to))~~

by the mediator. Mediation meetings shall be of an executive, private or nonpublic nature ~~((except if otherwise mutually agreed by the parties or their representatives)).~~

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-712 IMPASSE RESOLUTION—~~((PANEL OF NEUTRALS))~~ DISPUTE RESOLUTION PANEL. The commission shall establish and maintain a panel of qualified individuals ~~((for selection or appointment as fact-finder or interest arbitrator)),~~ and shall make a ~~((listing))~~ list of ~~((the))~~ members of that panel available to parties ~~((engaged in fact-finding proceedings))~~ for their use in selecting ~~((a fact-finder))~~ a neutral chairman for an arbitration panel, grievance arbitrators, fact-finders and ad hoc interest arbitrators. Any ~~((qualified neutral))~~ person may apply for membership on the panel and, upon acceptance by the agency, shall be placed under contract pursuant to RCW 39.29.010. ~~((No person not))~~ Only persons listed on the panel ~~((shall))~~ will be compensated by the agency as a ~~((fact-finder or interest arbitrator, and))~~ neutral chairman pursuant to RCW 41.56.450 and WAC 391-21-737. Parties desiring to employ ~~((the services of a fact-finder or interest arbitrator))~~ a neutral chairman not listed on the commission's panel shall do so ~~((under their own procedures))~~ as provided in RCW 41.56.450 and at their own expense.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-716 ~~((UNIFORMED PERSONNEL))~~ IMPASSE RESOLUTION—DISCLOSURE. Prior to accepting the appointment, or as soon thereafter as information giving rise to a problem of appearance of fairness becomes known ~~((to the fact-finder, the fact-finder)),~~ a person serving in an impartial capacity in a dispute resolution proceeding under the jurisdiction of the commission shall disclose to the parties and to the executive director any circumstances likely to create ~~((a presumption))~~ an appearance of bias or which might disqualify ~~((the person selected or appointed as an))~~ him or her from serving in the impartial ~~((fact-finder))~~ capacity. Employment of the person or any member of his or her immediate family by any party shall be disqualifying. Each party to the proceeding shall immediately notify the executive director and the ~~((fact-finder))~~ appointee or selectee whether it is willing to waive ~~((presumptive))~~ disqualification. If either party declines to waive the ~~((presumptive))~~ disqualification, the appointment ~~((of the fact-finder))~~ shall be vacated ~~((and the vacancy thus created shall be filled in the same manner as that governing the making of an original appointment)).~~

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-718 ~~((UNIFORMED PERSONNEL))~~ IMPASSE RESOLUTION—VACANCIES. If any ~~((fact-finder))~~ person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission should resign, die, withdraw, refuse or be unable to serve, or ~~((if))~~ should be or become disqualified to perform the duties of the office, the ~~((commission shall, upon proof satisfactory to it,))~~ executive director shall declare the office vacant. ~~((Vacancies))~~ The vacancy shall be filled ~~((in the same manner as that governing the making of the original appointment))~~ as provided in these rules.

NEW SECTION

WAC 391-21-719 UNIFORMED PERSONNEL—INTEREST ARBITRATION. If a dispute involving uniformed personnel has not been settled after a reasonable period of mediation and the mediator is of the opinion that his or her further efforts will not result in an agreement, the mediator shall notify the parties of intent to recommend that the remaining issues in dispute be submitted to arbitration. If the dispute remains unresolved, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator and any statements of position filed by the parties as to the existence of an impasse warranting arbitration. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, written notice shall be given to both parties.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-720 ~~((UNIFORMED PERSONNEL—LIST OF ISSUES FOR FACT-FINDING.~~ At least three days before the date

~~of the fact-finding hearing, each party shall submit to the fact finder and to the other party a written list of the issues it intends to submit to fact-finding.)~~ **UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS.** Within five days following the issuance of the notice by the executive director, each party shall name one person who is available and willing to serve as its member of the arbitration panel, and shall notify the opposite party and the executive director of the name, address and telephone number of the person so designated. The members so appointed shall proceed as provided in RCW 41.56.450.

NEW SECTION

WAC 391-21-721 UNIFORMED PERSONNEL—SELECTION OF IMPARTIAL ARBITRATOR. (1) If the appointed members are able to reach agreement on the selection of a neutral chairman, they shall obtain a commitment from that person to serve, and shall notify the executive director of the identity of the neutral chairman so selected.

(2) If the appointed members agree to have the commission appoint a neutral chairman, they shall file with the executive director a written joint request. The parties and the appointed members are not entitled to influence the designation of an arbitrator under this subsection and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the neutral chairman to be appointed by the commission. Upon the filing of a request in proper form in compliance with this subsection, the executive director shall appoint a neutral chairman from the dispute resolution panel.

(3) If the appointed members desire to select a neutral chairman from a panel of arbitrators, they shall attempt to agree as to which of the agencies designated in RCW 41.56.450 will supply the list of arbitrators from which the neutral chairman will be selected. If the appointed members are unable to agree within five days following their first meeting as to which agency is to supply the list of arbitrators, either of them may apply to the executive director for a list of available neutral chairmen other than agency staff members and the neutral chairman shall be selected from the commission's dispute resolution panel. If the choice of agency has been agreed, either party or the parties jointly shall proceed forthwith to request a panel of five arbitrators, specifying "for interest arbitration proceedings under RCW 41.56.450." The selection of the impartial arbitrator shall be made pursuant to the rules of the agency supplying the list of arbitrators and the parties shall notify the executive director of the identity of the arbitrator so selected.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

~~WAC 391-21-722 ((UNIFORMED PERSONNEL—HEARING. The fact-finder shall fix the time and place of each hearing. Any party may be represented by counsel or by other authorized representative. The fact-finding hearing shall be open to the public unless otherwise mutually agreed to by the parties. The fact-finder, for good cause shown, may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may provide, by written agreement, for the waiver of oral hearing.))~~ **UNIFORMED PERSONNEL—LIST OF ISSUES FOR ARBITRATION.** At least five days before the date of the hearing, each party shall submit to the members of the panel and to the other party a written list of the issues it intends to submit to arbitration.

NEW SECTION

WAC 391-21-723 UNIFORMED PERSONNEL—HEARING. For good cause shown, the neutral chairman may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

~~WAC 391-21-724 UNIFORMED PERSONNEL—ORDER OF PROCEEDINGS AND EVIDENCE. ((The order of presentation at the hearing shall be as mutually agreed between the parties or as determined by the fact-finder. The parties may offer such evidence as they desire and shall produce such additional evidence as the fact-finder may deem necessary to an understanding and determination of the dispute.))~~ The ((fact-finder)) neutral chairman shall be the judge of the relevancy ((and materiality)) of the evidence ((offered)). All evidence shall be taken in the presence of all ((of the)) parties, ((except where any of the parties)) unless a party is absent in default or has

waived ((his)) its right to be present. Each documentary exhibit ((introduced by a party)) shall be filed with the ((fact-finder)) neutral chairman and ((a copy)) copies shall be provided to the appointed members and to the other ((party)) parties. The exhibits ((filed with the fact-finder)) shall be retained by the ((fact-finder unless the parties otherwise agree, or unless the fact-finder otherwise permits)) neutral chairman until an agreement has been signed or until any judicial review proceedings have been concluded, after which they may be disposed of as agreed by the parties or as ordered by the neutral chairman.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-726 UNIFORMED PERSONNEL—PROCEEDINGS IN THE ABSENCE OF A PARTY. The ((fact-finder)) neutral chairman may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and ((recommendations)) the determination of the issues in dispute shall not be made solely on the default of a party, and the ((fact-finder)) neutral chairman shall require the ((other)) participating party to submit such evidence as ((he)) may ((require)) be required for ((the)) making of the findings of fact and ((recommendations)) determining the issues.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-728 UNIFORMED PERSONNEL—CLOSING OF THE HEARINGS. The ((fact-finder)) neutral chairman shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of brief within agreed time limits. ((If the fact-finder allows the filing of post-hearing briefs or other documents, the hearing shall be deemed closed as of the final date set by the fact-finder for the filing of such briefs or other documents. The hearings may be reopened by the fact-finder on his or her own motion, or on the motion of either party for good cause shown, at any time before the findings of fact and recommendations are made, but if the reopening of the hearing would prevent the making of the findings of fact and recommendations within the specific time provided by law, the matter may not be reopened, unless both parties agree upon an extension of such time limit.))

NEW SECTION

WAC 391-21-733 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS. Proceedings shall be conducted as provided in WAC 391-21-716 through 391-21-737.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-734 UNIFORMED PERSONNEL—INTERPRETATION AND APPLICATION OF RULES. The ((fact-finder)) neutral chairman shall interpret and apply these rules insofar as they relate to the powers and duties of the ((fact-finder)) neutral chairman. Any party who proceeds with ((fact-finding)) arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

NEW SECTION

WAC 391-21-735 UNIFORMED PERSONNEL—INTEREST ARBITRATION AWARD. The determination of the neutral chairman shall be controlling, and shall not require concurrence, but may be accompanied by the concurring and/or dissenting opinions of the appointed members. Such determinations shall not be subject to review by the commission.

NEW SECTION

WAC 391-21-737 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION. Each party shall pay the expenses of presenting its own case and the expenses and fees of its member of the arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expense of a neutral chairman appointed pursuant to WAC 391-21-721(1) or (3), along with any costs for lists of arbitrators and for recording of the proceedings, shall be shared equally between the parties. The fees and traveling expense of a neutral chairman appointed by the commission pursuant to WAC 391-21-

721(2), along with the costs of tapes for a tape recording of the proceedings but not a transcription thereof or the services of a court reporter, shall be paid by the commission.

AMENDATORY SECTION (Amending Order 77-8, filed 12/29/77)

WAC 391-21-738 UNIFORMED PERSONNEL—CENTRAL FILING OF AGREEMENTS. The parties to ~~((each))~~ collective bargaining agreements ~~((made and))~~ entered into as a result of collective bargaining pursuant to RCW 41.56.440 or 41.56.450 shall ~~((regardless of any prior intervention by the agency or lack thereof;))~~ file with the executive director two complete copies of their agreement ~~((for retention in the files of the agency and research purpose)).~~

REPEALER

The following sections of the Washington Administrative Code are repealed as follows:

- (1) **WAC 391-21-740 UNIFORMED PERSONNEL—INITIATION OF FACT-FINDING.**
- (2) **WAC 391-21-742 UNIFORMED PERSONNEL—SELECTION OF FACT-FINDER.**
- (3) **WAC 391-21-744 UNIFORMED PERSONNEL—FACT-FINDING RECOMMENDATIONS.**
- (4) **WAC 391-21-746 UNIFORMED PERSONNEL—EXPENSES OF FACT-FINDING.**
- (5) **WAC 391-21-748 UNIFORMED PERSONNEL—PARTIES' RESPONSIBILITY AFTER FACT-FINDING.**
- (6) **WAC 391-21-750 UNIFORMED PERSONNEL—INTEREST ARBITRATION.**
- (7) **WAC 391-21-752 UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS.**
- (8) **WAC 391-21-754 UNIFORMED PERSONNEL—SELECTION OF ARBITRATORS.**
- (9) **WAC 391-21-756 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.**
- (10) **WAC 391-21-758 IMPASSE RESOLUTION—INTEREST ARBITRATION AWARD.**
- (11) **WAC 391-21-760 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION.**

WSR 80-02-157

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.65 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning assessments and collections, to retain annual assessment rate of sixty cents per affected unit through crop year 1980 and thereafter, amending WAC 16-532-040;

that such agency will at 1:30 p.m., Wednesday, March 26, 1980, in the Federal-State Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, April 28, 1980, in the Office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 26, 1980, and/or orally at 1:30

p.m., Wednesday, March 26, 1980, Federal-State Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903.

Dated: February 1, 1980

By: G. David Kile
Assistant Director

AMENDATORY SECTION (Amending Order 1593, filed 12/21/78)

WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be sixty cents per affected unit for crop ~~((years 1978 and 1979))~~ year 1980 and thereafter ~~((shall be forty-five cents per affected unit)).~~

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 80-02-158

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.65 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning assessments, to increase the assessment on all varieties of raspberries from 1/4 cent to 1/2 cent per affected unit (pound), amending WAC 16-561-040;

that such agency will at 1:30 p.m., Friday, March 28, 1980, in the Convention Center, Seattle-North Holiday Inn, I-5 at 128th Street, Everett, WA 98204, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 23, 1980,

in the office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1980, and/or orally at 1:30 p.m., Friday, March 28, 1980, Convention Center, Seattle-North Holiday Inn, 1-5 at 128th Street, Everett, WA 98204.

Dated: February 1, 1980

By: G. David Kile
Assistant Director

AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

WAC 16-561-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of raspberries shall be ~~((+/4))~~ one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

**WSR 80-02-159
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Tree Fruit Research Commission)
[Filed February 6, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 15.26.140, that the Washington Tree Fruit Research Commission intends to adopt, amend, or repeal rules concerning a specific assessment rate for cherries, amending WAC 16-560-06001;

that such agency will at 9:30 a.m., Wednesday, March 26, 1980, in the Federal-State Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, March 26, 1980, in the Federal-State Agricultural Service Center.

The authority under which these rules are proposed is RCW 15.26.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 26, 1980, and/or orally at 9:30 a.m., Wednesday, March 26, 1980, Federal-State Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903.

Dated: January 24, 1980

By: George Ing
Chairman

AMENDATORY SECTION (Amending Order 5, filed 3/8/74)

WAC 16-560-06001 ASSESSMENT RATES. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of twenty-five cents per ton on all such tree fruit (~~(except that such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight)~~): PROVIDED, That such assessment for cherries shall be one dollar per ton: PROVIDED FURTHER, That such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight.

**WSR 80-02-160
NOTICE OF PUBLIC MEETINGS
JAIL COMMISSION**

[Memorandum, Director—February 5, 1980]

Notice is hereby given that the State Jail Commission has adopted its public hearing and meeting schedule for the months of February through April, 1980. Times and places of such meetings are as follows:

March 27, 1980
9:00 a.m. – 12:00 p.m.
Public hearing on proposed rules
(WSR 80-02-161)
Criminal Justice Training Center
1201 South 104th
Burien, Washington

March 27, 1980
1:30 p.m. – 4:30 p.m.
Public meeting
Criminal Justice Training Center
1201 South 104th
Burien, Washington

April 8 and 9, 1980
9:00 a.m. – 5:00 p.m. (both days)
Public meeting
Spokane, Washington
(contact State Jail Commission
for specific location)

April 30 and May 1, 1980
 9:00 a.m. – 5:00 p.m. (both days)
 Public meeting
 State Office Building #2 (DSHS)
 Capitol Campus
 Olympia, Washington

WSR 80-02-161
PROPOSED RULES
JAIL COMMISSION
 [Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning additional procedures governing state funding of city and county detention and correctional facility construction and/or substantial remodeling and the disbursement of funds from the local jail improvement and construction account, chapter 289-13 WAC;

that such agency will at 9:00 a.m., Thursday, March 27, 1980, in the Criminal Justice Training Center, Burien, Washington, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, March 27, 1980, in the Criminal Justice Training Center, Burien, Washington.

The authority under which these rules are proposed is chapter 70.48 RCW as amended by chapter 232, Laws of 1979 ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 27, 1980, and/or orally at 9:00 a.m., Thursday, March 27, 1980, in the Criminal Justice Training Center, Burien, Washington.

Dated: February 5, 1980
 By: George Edensword-Breck
 Director

AMENDATORY SECTION (Amending Order 4, filed 10/4/79)

WAC 289-13-090 ((ADDITIONAL FUNDING PROVISIONS: WAC 289-13-090 et seq. are reserved for rules to be adopted by January 1, 1980, governing the disbursement of funds and supervision of jail construction and/or substantial remodeling projects.)) REIMBURSEMENT OF QUALIFYING APPLICANTS. Following its determination by April 30, 1980, or October 31, 1980, as to the level of funding for any applicant governing unit which has proceeded to construction and which is entitled to first priority for funding under WAC 289-13-080(2), the director shall proceed to request an opinion from the state finance committee as to the legal conditions or terms, if any, to be placed upon payment of the determined level of state funding and shall subsequently direct that the state treasurer make payment in accordance with such advice: PROVIDED, HOWEVER, That the director is authorized to withhold direction for payment from any such governing unit pending its full compliance with all applicable mandatory custodial care standards within the particular detention or correctional facility involved: PROVIDED, FURTHER, That any such governing unit shall also be required to verify its compliance with the same conditions applicable to all other state funded jail construction projects as set forth in this chapter.

NEW SECTION

WAC 289-13-100 ENCUMBRANCE OF FUNDS FOR NEW PROJECTS. Within thirty days of its written notification of final funding decisions, as provided in WAC 289-13-050, the commission

shall issue notification to those governing units for which funds currently available will be encumbered and disbursed in accordance with other rules set forth in this chapter.

NEW SECTION

WAC 289-13-110 AUTHORIZATION TO PROCEED—TIME LIMITS. (1) Schematic drawings. Following the issuance of the commission's decision to encumber funds for specific projects, the director shall issue formal authorization to the specified governing units to proceed to prepare schematic drawings and adjusted cost estimates based thereon which shall be submitted to the director for approval within four months. The director shall be authorized to adjust the prior funding decisions by no greater than five percent. Requests for greater adjustments and requests for increases which are denied by the director shall be submitted to the commission for review.

(2) Final plans and specifications. Following approval of schematic drawings and adjusted cost estimates as provided in subsection (1) of this section, the director shall issue authorization to governing units for which funds have been encumbered to proceed to prepare final plans and specifications, and each such governing unit shall submit final plans for review and approval by the director within six months of such authorization. Failure to meet such schedule shall result in removal of the project from those for which existing funding is encumbered: PROVIDED, That upon showing of good cause, the director may extend such deadline by no longer than six months: PROVIDED FURTHER, That the director may adjust the previously authorized level of funding at this stage by no more than five percent and any larger requests or any requests for increases which are denied by the director will be submitted to the commission for review.

(3) Bidding. Any governing unit for which funds have been encumbered hereunder shall advertise for bids for construction of the project within two months of the issuance date of the document approving its final plans and authorizing it to proceed. In the event of failure by a governing unit to advertise for bids within the time limit herein specified, the authorization herein described shall be declared null and void and the funds reserved thereunder shall revert to the state fund from which the reservation was made and become available for reservation or allotment toward the financing of such other jail project or projects as the commission shall determine: PROVIDED, That and extension of time may be granted by the director when failure to act within the specified time is due to conditions judged by him to be beyond the control of the governing unit: PROVIDED FURTHER, That in the event final plan and specifications for the project have been completed and advancement of the project is precluded by conditions beyond the control of the governing unit, it nonetheless may request consideration of state assistance in costs of architectural and engineering services incurred through preparation of final plan and specifications, pending the availability of additional state jail bond moneys: PROVIDED, That such reimbursement shall be subject to the provisions of WAC 289-13-070(2)(a).

NEW SECTION

WAC 289-13-120 SCHEMATIC DESIGN PACKAGE—CONTENTS. The materials submitted with schematic drawings of a project authorized to proceed under WAC 289-13-110(1) shall include the following and such other supporting documents as prescribed by the director at the time of issuance of such authorization:

- (1) Complete set of schematic drawings.
- (2) Signed or certified copy of contract between governing unit and the architect. (A separate contract is required for each specific project).
- (3) Site documents as follows:
 - (a) Opinion by prosecuting attorney or other legal counsel relating to fee simple title including legal description of site: PROVIDED, That where title is not established in fee simple, such counsel's statement shall describe the process and schedule for obtaining such title;
 - (b) Statement of approval by the state department of health or local health agency having jurisdiction;
 - (c) Statement of approval by such local planning commission or authority as may be established within the governing unit;
 - (d) Statement of approval by state department of ecology when the site and/or building plan is located within a flood plane of a river or major stream (refer to chapter 86.16 RCW);
 - (e) Statement indicating compliance with the provisions of chapter 197-10 WAC and such other applicable rules of the council on environmental policy as may now or hereafter be adopted.

NEW SECTION

WAC 289-13-130 AUTHORIZATION TO PREPARE FINAL PLANS AND SPECIFICATIONS (CONSTRUCTION DOCUMENTS). Upon approval of schematic drawings, supporting documents, and adjusted level of funding, the director will issue authorization to the governing unit in question to proceed with preparation of final plan and specifications and will make a provisional reservation of state funds for architectural and engineering services consistent with the provisions of WAC 289-13-070(1): PROVIDED, That such provisional reservation of funds and authorization shall be subject to the following conditions:

(1) The provisional reservation of funds is a guarantee of state participation in the costs of architectural and engineering services incurred in the preparation of preliminary plan and final plan and specifications and any part of aforesaid provisional reservation not required for aforesaid purpose shall revert to the state fund from which the provisional reservation is made.

(2) A prerequisite to payment of such costs shall be completion of final plans and specifications, except where exemption from such requirement is granted by the director.

NEW SECTION

WAC 289-13-140 FINAL PLANS AND SPECIFICATIONS—BID AND CONTRACT PROVISIONS. Upon receipt of authorization to so proceed, a governing unit shall prepare final plans and specifications in accordance with the following provisions:

(1) Separate or combined bids. Separate and/or combined bids may be received for general construction, mechanical work and electrical work. Separate contracts or a combined contract for the construction of the entire project may be awarded on the basis of whichever is most advantageous to the governing unit and to the state in accordance with bids received.

(2) Cash allowance. A cash allowance item shall not be a part of specifications nor included in any contract which involves state funds.

(3) Fire insurance coverage on structure under contract. The general conditions incorporated in the specifications shall provide that the governing unit and/or the contractor shall effect and maintain fire insurance coverage on the structure under contract equal to one hundred percent of the insurable value thereof including materials in place or on the premises for use in the construction.

(4) Bidder's guarantee requirements. Each bidder on a project approved for state assistance must submit with his bid a certified check or a cashier's check equivalent to at least five percent of the amount of the bid, or a bid bond. To facilitate the procuring of a certified check or a cashier's check prior to the determination of the amount of his bid, a contractor may submit a certified check or a cashier's check based on five percent of the architect's estimated cost of the work on which said contractor proposes to submit a bid.

(5) Governmental agency approvals of final plan and specifications.

(a) The final plan and specifications for the construction of a new detention or correctional facility or any addition to or alteration of such an existing detention or correctional facility or for any of the utilities connected with it shall be subject to the approval of the state fire marshal or his designated representative, the state electrical inspector, the health agency having jurisdiction and, when applicable, the state department of ecology, with respect to compliance with pertinent rules and regulations established by said agencies.

(b) Each governing unit receiving funds under this chapter shall cause to be prepared a life cycle cost analysis for new jail buildings, and for additions to and modernization of existing jail buildings to be planned and constructed, said life cycle cost analysis to be in compliance with provisions of chapter 39.35 RCW, and such other requirements and guidelines as may now or hereafter be adopted. Such analysis shall be subject to approval of the office of energy management and conservation, department of general administration.

(c) The governing unit shall receive written approval of final plan and specifications by the agencies set forth in (a) above prior to the call for bid. Any exceptions indicated by the aforementioned agencies shall be corrected and so noted on the final plan and specifications or shall be corrected by issuance of addenda to the specifications and/or revised drawings.

(6) Compliance with pertinent public works statutory provisions. Specifications for all projects shall provide for compliance with statutory provisions relating to public works including but not limited to the following:

- (a) Chapter 18.27 RCW relating to registration of contractors.
- (b) Chapter 39.08 RCW relating to contractor's bond.
- (c) Chapter 39.12 RCW relating to prevailing wages on public works.
- (d) Chapter 39.16 RCW relating to resident employees on public works.
- (e) Chapter 39.25 RCW relating to offshore items.
- (f) Chapter 49.28 RCW relating to hours of labor.
- (g) Chapter 49.60 RCW relating to law against discrimination.
- (h) Chapter 70.92 RCW relating to provisions for the aged and physically handicapped.

The architect shall certify to the director that the final plan and specifications (construction documents) are in full compliance with the aforementioned statutes, provisions of chapter 19.27 RCW, and any and all other pertinent statutes relating to construction of public buildings applicable to jail construction.

(7) Minority contractors—Voluntary affirmative action program. In addition to meeting the above requirements, it is the strong policy of the commission that governing units receiving state funding for jail construction and/or remodeling shall engage in affirmative efforts to insure employment of minority contractors in all jail work. For this purpose, all contracts by and between a county, city or combination of counties and/or cities and contractors for construction and/or remodeling of detention or correctional facilities with state funds shall contain the following clause:

"Contractor agrees that he shall actively solicit the employment of minority group members. Contractor further agrees that he shall actively solicit bids for the subcontracting of goods and/or services from qualified minority businesses. Contractor shall furnish evidence of his compliance with these requirements of minority employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses. The contractor shall be required to submit evidence of compliance with this section of the bid."

As used in this section "minority business" means a business at least fifty-one percent of which is owned by minority group members. Minority group members include, but are not limited to, blacks, women, native Americans, Orientals, Eskimos, Aleuts, and Spanish Americans.

NEW SECTION

WAC 289-13-150 FINAL PLANS AND SPECIFICATIONS—FORM OF SUBMISSION. (1) The governing unit shall submit one copy of the final plan and specifications to the commission for review and approval together with one copy each of the supporting documents listed below:

- (a) Form for certification of construction documents and final cost estimate of project, completed and signed by architect(s).
- (b) Signed copy, or photocopy of letters of approval by governmental agencies in accordance with provisions of WAC 289-13-140.
- (c) Signed statement by architect(s) of analysis of square foot area.
- (d) Life cycle cost analysis.

(2) The governing unit shall obtain approval of final plan and specifications by the commission prior to the call for bids on any project to be financed in part or all by state funds.

NEW SECTION

WAC 289-13-160 PRELIMINARY PROVISIONAL ALLOTMENT OF STATE FUNDS. (1) In the event that funds authorized by the legislature currently are not available to the commission for preliminary allotment to a governing unit under this chapter and it is determined upon review as provided that the project is eligible for state assistance the commission may (a) authorize the governing unit to proceed at its own financial risk with advancement of an approved project pending availability of an appropriation for state participation in the financing of such project; (b) grant a preliminary provisional allotment of state funds and approval of final plan and specifications; and (c) authorize the governing unit to call for bids: PROVIDED, That if and when the aforementioned appropriation is made available to the commission, a governing unit which is authorized to proceed with such advancement action and subsequently expends local funds in lieu of state funds for that share of the project cost provisionally approved for financing with state funds shall be entitled to reimbursement for such expended local funds: PROVIDED FURTHER, That such reimbursement shall be subject to the following conditions:

(2) Compliance with rules. The governing unit shall comply with all rules and regulations of the commission otherwise applicable to a project approved for financing with available state funds.

(3) Governing unit certification. Prior to the award of contracts, the governing unit shall certify to the commission by resolution that (a) sufficient local funds are available to finance the entire cost of the project; (b) the governing unit will assume full financial responsibility for completion of the project; and (c) it is understood that if and when state funds are available for such purpose, the governing unit shall be entitled to reimbursement in accordance with the provisions of this chapter.

(4) Preliminary provisional allotment of state funds not commitment of state funds. The authorization documents shall direct attention to the fact and the transmittal letter shall state explicitly that the approval and authorizations described therein do not constitute a commitment of state funds.

(5) Reimbursement contingency. Payment of state funds in reimbursement of local funds expended in lieu of state funds provisionally approved for the project shall be contingent upon availability of funds under the statutory authority or appropriation designation cited in the appropriate allocation documents or the availability of funds appropriated in lieu thereof.

NEW SECTION

WAC 289-13-170 BID DATA AND DOCUMENT REQUIREMENTS FOLLOWING BID OPENING. (1) After bids have been opened, the governing unit shall by resolution designate the successful bidder or bidders and transmit to the commission one copy each of the documents listed below:

(a) Statement of project cost signed by the chairman of the board of county commissioners or major.

(b) Certified copy of each advertisement for bids.

(c) Certified tabulated statement of all bids received including bids on alternates, if any, with complete firm names and addresses of bidders. Each alternate listed must be designated by number and descriptive title conforming to the number and title set forth in the specifications. The certification must be made by the architect or authorized representative of the governing unit.

(d) Statement of analysis by architect of square foot area and square foot cost, said statement to bear the signature of the architect.

(e) Copies of all addenda to specifications.

(2) Authorization required for contract award.

(a) A contract, or contracts, for construction of a jail project approved by the commission for state financing from available state funds may not be entered into by the governing unit until authorization therefor has been received from the commission.

(b) A contract, or contracts, for construction of a jail project provisionally approved by the commission for state financing pursuant to WAC 289-13-150 and for which state funds have not been made available may not be entered into by the governing unit until authorization therefor has been received from the commission.

Any such governing unit shall proceed in the same manner as any governing unit for whose project funds are currently available.

NEW SECTION

WAC 289-13-180 FINAL ALLOTMENT OF STATE FUNDS. Upon analysis of bids received, determination of the amount of state funds allowable under statutory provisions and commission rules and determination that funds are available for state funding of all or part of the proposed project, the commission will make a final allotment of state funds for specified costs of construction and architectural and engineering services and authorize the governing unit to award contracts: PROVIDED, That such allotment and authorization shall be subject to the conditions and regulations herein in subsections (1), (2) and (3) set forth: PROVIDED FURTHER, That in the event state funds are not available for state assistance in construction of the proposed project, the commission will make a final allotment of state funds for the state's share of the cost of architectural and engineering services pursuant to WAC 289-13-120.

(1) Negotiation of jail building contracts. The commission shall approve for financing only those contracts where the original contract price for the construction has been established by competitive bids.

(2) Any part of a final allotment of state funds not required for completion of a jail building project in accordance with the financial program as set forth in the authorization document shall revert to the state fund from which the allotment was made.

(3) Award of contract or contracts.

(a) Upon receipt of authorization by the commission, the governing unit may proceed with award of contract or contracts for construction of the designated project, which contract or contracts shall be in conformity with the analysis of bids as set forth in the authorization document and in accordance with the bids received on approved plan and specification for the project.

(b) Once such authorization has been given, the governing unit shall have forty-five days within which to enter into said contract in order to retain its allotment status.

(c) Immediately following the awarding of contract or contracts, governing unit shall forward one signed or certified copy of each such construction contract to the commission.

NEW SECTION

WAC 289-13-190 DISBURSEMENT OF FUNDS FOR CONSTRUCTION OR REMODELING OF JAIL FACILITIES—ADMINISTRATION OF PAYMENTS FROM STATE FUNDS UNDER DIRECTION OF DIRECTOR. (1) The director is hereby authorized and directed to administer the disbursement of state funds allotted by the commission to governing units for detention and correctional facility construction and/or remodeling, said disbursements to be in compliance with procedural regulations established by the commission, applicable statutory requirements and such other requirements as the director may determine to be necessary.

(2) The director shall keep a complete and accurate record of each allotment of state funds made to a governing unit and of all disbursements, unpaid balances and other matters connected therewith.

NEW SECTION

WAC 289-13-200 PAYMENTS FROM STATE JAIL IMPROVEMENT AND CONSTRUCTION ACCOUNT. (1) Payment to governing units for jail work authorized under this chapter shall be on the basis of work completed and shall be made to the governing unit upon presentation of properly executed state invoice vouchers approved by the director on the basis of the architect's certification of work completed and certification of approval by duly authorized representatives of the governing unit.

(2) Continued reservation of state funds for a specific governing unit shall be based upon substantial compliance with the work schedule established at the time of final allotment under WAC 289-13-080 and may be terminated by the commission where the specific project does not proceed in accordance therewith: PROVIDED, That exceptions to such schedule may be granted upon showing of unavoidable delay.

NEW SECTION

WAC 289-13-210 DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF JAILS—FINAL PAYMENTS ON CONTRACTS. In accordance with provisions of chapter 60.28 RCW as now or hereafter amended, relating to public works contracts, final payment on a contract from retained percentage funds shall not be made until thirty days have elapsed following final acceptance by the governing unit of the work as completed.

After the expiration of the aforementioned statutory thirty-day period, final payment shall be made contingent upon receipt of properly executed state invoice voucher and supporting documents in accordance with the regulations and procedures set forth in subsections (1) through (3) of this section and such other procedures as may be prescribed by the director in compliance with statutory and jail commission regulations.

(1) Acceptance of building, improvement or work as completed. (a) Upon completion of work by a contractor, or contractors, the architect and the governing unit's designated representatives shall inspect the building, improvement or work to determine compliance with plan and specifications.

(b) The architect, upon determining that the jail improvement or work has been completed satisfactorily, shall recommend through the issuance of a letter of inspection addressed to the governing unit acceptance as completed satisfactorily. Separate letters shall be written concerning the work of each contractor.

(c) The governing unit upon determining that the building, improvement or work has been completed satisfactorily, shall through formal resolution officially accept such building, improvement or work as completed satisfactorily. A separate resolution shall be made concerning the work of each prime contractor.

(2) Documents required for final payment. Final payments on contracts shall be subject to receipt by the director of the documents listed below and such other evidence of final completion of contracts as the director in compliance with pertinent statutory provisions and/or rules and regulations of the commission may determine to be necessary.

(a) Documents to be submitted immediately following official final acceptance of building, improvement or work. The original and one copy of each of the following documents shall be submitted immediately following official final acceptance by the governing unit of the jail improvement or work:

- (i) Properly executed state invoice voucher;
- (ii) Architect's letter of inspection;
- (iii) Governing unit's resolution of final acceptance signed by its chief elected officer or bearing the certification of authorized representatives thereof;
- (iv) Architect's certificate of final amount due and payable to contractor.

(b) Documents to be submitted at anytime during the thirty-day period following official final acceptance by the governing unit of the building, improvement or work;

(i) Contractor's final affidavit of wages paid bearing certification of the state department of labor and industries.

(c) Documents to be submitted immediately after the expiration of the thirty-day period following final acceptance of building, improvement or work. One copy of each of the following documents shall be submitted immediately after the expiration of the thirty-day period following final acceptance by the governing unit of the building, improvement or work;

Certification by the governing unit officials that no liens have been filed, or a certified list of all valid liens in event liens have been filed.

(3) Certification by state department of revenue, state department of employment security and state department of labor and industries of payment of taxes. (a) In compliance with applicable statutory provisions, final payment on a contract for public works shall not be made by the disbursing officer until he has received from the state department of revenue, state department of employment security and the state department of labor and industries certification that all taxes due or to become due from the contractor with respect to such contract have been paid in full.

(b) Final payments on construction contracts from state funds allotted to a governing unit for jail construction shall be contingent upon receipt of the aforementioned certification in accordance with the following procedure:

(i) Upon receipt of all documents required immediately following official acceptance of building, improvement or work as in subsection (2) of this section provided, the director shall notify the state department of revenue, state department of employment security and the state department of labor and industries that the construction contract has been completed; and

(ii) As provided by statute, the state department of revenue, state department of employment security and the state department of labor and industries, upon determination that all state taxes due or to become due on the contract have been paid in full, will so certify to the director and transmit a copy of such certification to the governing unit concerned.

WSR 80-02-162

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 45—Filed February 6, 1980]

I, M. Lyle Jacobsen, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to utilization of passenger motor vehicles, amending WAC 82-36-030, such rules being subject to approval by the Automobile Policy Board.

This action is taken pursuant to Notice No. WSR 80-01-105 filed with the code reviser on January 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.41.130 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 February 6, 1980.

By Dan Pensula for
M. Lyle Jacobsen
Director

AMENDATORY SECTION (Amending Order 27, filed 11/20/75)

WAC 82-36-030 DEFINITIONS. As used in these rules and regulations, the following definitions will apply:

(1) Director. Means the director, office of ~~((Program Planning and Fiscal))~~ financial management ~~((OPP&FM))~~ (OFM).

(2) Agency head. Means the head of any state agency.

(3) Passenger motor vehicle. Means any sedan, station wagon, bus or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons.

(4) Official state business. Those activities performed by an official or employee of the state as directed by his superior in order to accomplish state programs or as required by the duties of his position or office.

(5) Commuter ride-sharing vehicle. Agencies may allow for the use of state-owned motor vehicles for commuter ride-sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters, and does not infringe upon the use of the vehicle for other official state business.

(6) Permanently assigned vehicle. A passenger motor vehicle which has been assigned to a state agency or an individual for a period greater than 30 days.

~~((6))~~ (7) Temporarily assigned vehicle. A passenger motor vehicle which has been assigned to a state agency for a period of 30 days or less.

~~((7))~~ (8) State agency. Shall include any state office, agency, commission, department or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but shall not include:

(a) The state supreme court or any agency of the judicial branch, or

(b) The legislature or any of its statutory, standing, special or interim committees.

~~((8))~~ (9) Commuting. Means travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work.

(10) "Commuter ride-sharing" means a car pool or van pool arrangement whereby a fixed group not exceeding fifteen persons including passengers and driver, is transported between their places of abode or termini

near such places, and their places of employment or educational or other institutions, in a single daily round trip where the driver is also on the way to or from his or her place of employment or educational or other institution.

~~((9))~~ (11) NADA value. Means the average trade-in value shown in the current issue of the NADA Official Used Car Guide, Pacific Northwest edition, published by the National Automobile Dealers Used Car Guide Co.

~~((10))~~ (12) Agency transportation officer. The senior staff employee designated by the agency director as agency transportation officer in accordance with the Governor's Executive Order EO 74-07.

WSR 80-02-163

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Examiners for Nursing Home Administrators)

[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning continuing education requirements, amending WAC 308-54-150 (a copy of the proposed rule is shown below, however, changes may be made at the public hearing);

that such agency will at 10:00 a.m., Tuesday, March 18, 1980, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 18, 1980, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.52.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 14, 1980, and/or orally at 10:00 a.m., Tuesday, March 18, 1980, Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: February 6, 1980

By: Harvey L. Young
Chairman

AMENDATORY SECTION (Order PL 107, filed 3/3/71)

WAC 308-54-150 CONTINUING EDUCATION REQUIREMENTS TO MEET THE CONDITIONS OF RE-REGISTRATION FOR LICENSE. (1) A condition of re-registration for license shall be the requirement that the applicant has attended board-approved courses in continuing education.

(2) The licensee shall present proof that he or she has obtained ~~((the required number of))~~ fifty-four classroom hours in approved continuing education courses during each three year period of his or her licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.

(3) ~~((For licensees whose three year periods end prior to September 1, 1977, a minimum of forty-two hours of continuing education courses shall be required prior to renewal of license.~~

~~For licensees whose three year periods end prior to September 1, 1978, a minimum of forty-eight hours of continuing education courses shall be required prior to renewal of license.~~

~~For licensees whose three year periods end or after September 1, 1978, a minimum of fifty-four hours of continuing education courses shall be required prior to renewal of license.))~~

~~((4))~~ There shall be no carry over of continuing education classroom hours from any three (3) year period to the next three (3) year period.

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 80-02-164

PROPOSED RULES

BOARD OF PHARMACY

[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-52-070;

that such agency will at 9:00 a.m., Thursday, March 20, 1980, in the Burien Police Station, 14905 6th Avenue S.E., Burien, WA 98166, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 20, 1980, in the Burien Police Station, 14905 6th Avenue S.E., Burien, WA 98166.

The authority under which these rules are proposed is RCW 18.64.005(11) and 18.64A.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1980, and/or orally at 9:00 a.m., Thursday, March 20, 1980, Burien Police Station, 14905 6th Avenue S.E., Burien, WA 98166.

Dated: February 4, 1980

By: David C. Campbell, Jr.
Executive Secretary

AMENDATORY SECTION (Order 141, filed 12/9/77)

WAC 360-52-070 LEVEL B CERTIFICATION PROGRAMS.

(1) Training. ~~((No formal training or educational program will be required by the board, and there will be no age or educational restrictions.))~~ The supervising pharmacist shall thoroughly instruct the level B pharmacy assistant in the limitations of the functions he may perform.

(2) A supervising pharmacist who delegates to a level B pharmacy assistant the responsibility for use of the telephone in the pharmacy shall have available on the premises of the place of employment for inspection by the board, documentation that the level B pharmacy assistant has had adequate training in health care delivery systems, broad definitions of pharmacy practice and practice settings, communications techniques, confidentiality of information, safety considerations, medical and pharmaceutical terminology and abbreviations, components of a prescription and patient medication records, drug dosage forms, drug nomenclature, and all aspects of the law related to the practice of pharmacy to include the Pharmacy Practice Act, the Pharmacy Assistants Act, the Legend Drug Act, the Controlled Substances Act, and other federal and state statutes and regulations which are applicable to pharmacy practice.

(3) Record of certifications. All pharmacies employing level B pharmacy assistants shall complete a certification application on a form

approved by the board, such form to include a declaration by the applicant that he or she has never been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy, for each level B pharmacy assistant employed. The fee for certification will be included in the fee for authorization to utilize the services of pharmacy assistants.

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 80-02-165
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Accountancy intends to adopt, amend, or repeal rules concerning instructor or discussion leader (a copy of the proposed rule is shown below, however, changes may be made at the public hearing.);

that such agency will at 11:00 a.m., Friday, March 28, 1980, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, March 28, 1980, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.04.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1980, and/or orally at 11:00 a.m., Friday, March 28, 1980, Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

Dated: February 5, 1980
By: James R. Silva
Assistant Attorney General

AMENDATORY SECTION (Amending Order PL-175, filed 9-24-74)

WAC 4-20-140 ((QUALIFICATION OF PROGRAM—)) INSTRUCTOR OR DISCUSSION LEADER. Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader; in addition, credit will be given for time spent in preparation for instruction or discussion by the instructor or discussion leader. Credit given for preparation time shall not exceed twice the amount of time spent in actual instruction or discussion: **PROVIDED**, That said instruction, discussion or course shall constitute the initial course of instruction or discussion of the subject matter for the instructor or discussion leader(~~(-PROVIDED, FURTHER, That the particular activity contributes))~~ and shall contribute to the professional competence of the licensee instructor or discussion leader(~~(-Total)~~); **PROVIDED, FURTHER**, That total credit that may be obtained as an instructor or discussion leader pursuant to this rule shall not exceed ((forty-five)) fifteen hours in any ((consecutive three-year period)) calendar year, and that any presentation hours in excess of those fifteen hours may be reported as educational programs attended.

WSR 80-02-166
PROPOSED RULES
DEPARTMENT OF LICENSING
AND CHIROPRACTIC EXAMINERS BOARD
[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director of the Department of Licensing intends to adopt, amend, or repeal rules concerning extending the duration of licensing periods for the purpose of converting license renewals to a birthday renewal system for physical therapists, chiropractors and nursing home administrators as set forth in the attached proposed rules;

that such agency will at 2:30 p.m., Monday, March 17, 1980, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:30 p.m., Monday, March 17, 1980, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.24.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1980, and/or orally at 2:30 p.m., Monday, March 17, 1980, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: February 1, 1980
By: John H. Keith
Assistant Attorney General

NEW SECTION

WAC 308-54-320 RENEWAL OF LICENSES. (1) Effective with the renewal period beginning September 1, 1980, the annual license renewal date for nursing home administrators will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of September 1, 1980. Licensed nursing home administrators desiring to renew their licenses will be required to pay a fee of thirty-five dollars, plus one-twelfth of that amount for each amount, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following September 1, 1981.

(b) On and after September 1, 1980, all new or initial nursing home administrator licenses issued will expire on the applicant's next birth anniversary date.

(2) After the conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within thirty days of license expiration on or before the license expiration date will be subject to the late penalty fee as set forth in WAC 308-54-310.

NEW SECTION

WAC 308-42-120 RENEWAL OF LICENSE. (1) The annual license renewal date for physical therapists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) Current licensees, as of January 1, 1981. Licensed physical therapists desiring to renew their licenses will be required to pay a fee of fifteen dollars, plus one-twelfth of that amount for each month or fraction thereof, in order to extend their license to expire on their birth anniversary date next following January 1, 1981.

(3) After the initial conversion to a staggered system, licensees may renew their licenses at the annual fee rate, for one year from birth anniversary date to the next birth anniversary date.

NEW SECTION

WAC 114-12-145 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) Effective with the renewal period beginning September 1, 1980, the annual license renewal date will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of August 30, 1980. Licensees desiring to renew their licenses will be required to pay a fee of twenty-five dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date during calendar year 1981 or 1982.

(b) On and after September 1, 1980, all new or initial chiropractic licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in RCW 18.25.070.

WSR 80-02-167
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed February 6, 1980]

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:

Amd	WAC 232-12-130	Unlawful firearms for hunting.
Amd	WAC 232-12-171	Commercial use of wildlife prohibited.
Amd	WAC 232-12-690	Taxidermy records.
Amd	WAC 232-12-710	Taxidermy purchasing and selling;

that such agency will at 9:00 a.m., Monday, April 7, 1980, in the Vance Tye Motor Inn, 500 Tye Drive, 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., Monday, April 7, 1980, in the Vance Tye Motor Inn, 500 Tye Drive, Olympia, WA.

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 April 7, 1980, and/or orally at 9:00 a.m., Monday, April 7, 1980, Vance Tye Motor Inn, 500 Tye Drive, Olympia, WA.

Dated: February 6, 1980
By: Wallace F. Kramer
Wildlife Enforcement Chief

AMENDATORY SECTION (Amending Order 137, filed July 23, 1979)

WAC 232-12-130 UNLAWFUL FIREARMS FOR HUNTING. (1) No person shall hunt any deer, elk, bear, mountain goat, mountain sheep, moose, or caribou with the following:

- (a) Any fully automatic firearm
- (b) Any pistol or revolver
- (c) Any rifle that fires a cartridge that: has a caliber diameter less than .240 of an inch (6mm); or has a bullet weight less than 85 grains; or develops less than 900 foot pounds of energy at 100 yards.

(d) Any rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(e) Any shotgun; except, shotguns 20 gauge or larger containing shells loaded with slugs or buckshot size "0" or larger may be used to hunt deer(;) and bear.

PROVIDED, That muzzleloading rifles that meet the definition of muzzleloader as defined in WAC 232-12-135 may be used.

(2) No person shall hunt game birds with a shotgun having a capacity for holding more than three shells: PROVIDED, An automatic or hand-operated repeating shotgun may be used if the magazine has been cut off or plugged with a plug incapable of removal through the loading end thereof, so that the capacity of said magazine is reduced to two shells.

(3) No person shall hunt game animals or game birds in any other manner than with a firearm held in the hand or fired from the shoulder, or with a bow and arrow, or by means of falconry.

(4) No person shall hunt any game animal or game bird with any shotgun larger than 10 gauge.

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: PROVIDED, That during extended grouse seasons rifles and pistols may be prohibited.

(6) No person shall hunt game animals or game birds with a crossbow.

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 95, filed January 14, 1977)

WAC 232-12-171 COMMERCIAL USE OF WILDLIFE PROHIBITED. (1) It (~~shall be~~) is unlawful for any person to possess, hold, or utilize any live game animal, game bird, furbearing animal or protected wildlife as a commercial venture for financial gain except under the provisions of a Game Farmer's License: PROVIDED, That this regulation does not apply to municipal, county, state, federal or other officially sanctioned zoo.

(2) It is unlawful to offer for sale, sell, exchange, or buy any game animal, game bird, game fish or parts thereof, except under the provisions of a Game Farmer's License or as authorized by permit issued by the Director or his designated representative.

AMENDATORY SECTION (Amending Order 80, filed April 22, 1976)

WAC 232-12-690 TAXIDERMY RECORDS. (1) Any licensed taxidermist, upon receiving any wild animal, bird, fish or parts thereof, for mounting, tanning, storage or processing shall immediately record the owner's name and address, date received, location where taken and such other information as required by the Department, in a ledger supplied by the Department. Such records shall be maintained for a period of not less than two years from date of receiving.

(2) All records, wild animals, birds, fish or parts thereof, held pursuant to the statutes or regulations dealing with taxidermy, shall be open to inspection by the Director, or his duly authorized representative, at any reasonable time.

(3) It is unlawful to enter false information in the taxidermy reporting ledger or to deny inspection of all records, wild animals, birds, fish, or parts thereof, held pursuant to the statutes or regulations dealing with taxidermy.

AMENDATORY SECTION (Amending Order 38, filed April 12, 1973)

WAC 232-12-710 TAXIDERMY PURCHASING AND SELLING. It is unlawful for any licensed taxidermist ((may)) to purchase, exchange, or sell any nonedible part of any wild animal, wild bird or game fish ((which)) unless said part was lawfully acquired or possessed(;) and has attached a tag showing the owner's name and address: Provided, That no migratory game bird or endangered species of fish or wildlife, or parts thereof, shall be purchased, exchanged or sold, except as authorized by permit or license lawfully issued by the Director or his designated representative.

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 80-02-168
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.36 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning disinfecting vehicles, new section WAC 16-86-055. Requires vehicles be disinfected immediately after hauling brucellosis reactor and/or exposed cattle;

that such agency will at 1:30 p.m., Wednesday, March 12, 1980, in the Animal Industry Division, 120 Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Tuesday, March 25, 1980, in the Director's office, Department of Agriculture.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1980, and/or orally at 1:30 p.m., Wednesday, March 12, 1980, Animal Industry Division, 120 Union Avenue, Olympia, WA 98504.

Dated: February 6, 1980
 By: John J. Doherty
 Assistant Director

NEW SECTION

WAC 16-86-055 DISINFECTING VEHICLES. (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of each such load. The destination for such reactor or exposed cattle shall have department approved facilities to clean and disinfect vehicles.

(2) Upon completion of the cleaning and disinfecting of the vehicle, approval shall be obtained in writing. This approval shall be made by a state or federal animal health employee or by an authorized representative of the director of agriculture, on a form approved by the director.

WSR 80-02-169
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restricted use desiccants and defoliants, amending WAC 16-230-160, 16-230-170, 16-230-180 and 16-230-190;

that such agency will at 1:00 p.m., Thursday, March 13, 1980, in the County Service Building conference

room, Walla Walla, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Monday, March 31, 1980, in the Director's office.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 13, 1980, and/or orally at 1:00 p.m., Thursday, March 13, 1980, County Service Building conference room, Walla Walla, Washington.

Dated: February 6, 1980
 By: Art G. Losey
 Assistant Director

AMENDATORY SECTION (Order No. 1591, filed 1/29/79)

WAC 16-230-160 GROUND EQUIPMENT—NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Nozzle requirements - A minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliants: **PROVIDED**, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: **PROVIDED FURTHER**, That a RD-2 nozzle shall be allowed.

(2) Pressure requirements - Maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi.

AMENDATORY SECTION (Order No. 1591, filed 1/29/79)

WAC 16-230-170 AERIAL EQUIPMENT—BOOM LENGTH, PRESSURE, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) (~~Boom length restrictions:~~

(a) ~~Fixed wing: The working boom length shall not exceed 3/4 of the distance from center of aircraft to wing tip on each side of aircraft.~~

(b) ~~Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliants.~~

(2) ~~Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliants shall be 25 psi.~~

~~((3)) (2) Nozzle requirements:~~

(a) ~~Fixed wing applications of ((Diquat or Paraquat)) restricted use desiccants and defoliants:~~

(i) ~~Straight stream jet nozzles, without core plates, with a minimum orifice diameter of ((0.094)) 0.063 inches;~~

(ii) ~~((By written permit from Washington State Department of Agriculture, the)) Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.~~

~~(b) ((Fixed wing applications of Endothal and Dinitro:~~

(i) ~~Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;~~

(ii) ~~The Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.~~

~~(c)) Helicopter applications of restricted use desiccants and defoliants:~~

(i) ~~Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;~~

(ii) ~~Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;~~

(iii) ~~((By written permit from Washington State Department of Agriculture, the)) Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with No. 46 core plates or larger.~~

~~((4)) (c) Nozzle direction:~~

~~((4)) Nozzles shall be directed backward 180 degrees from the direction of flight while discharging restricted use desiccants and defoliants from any aircraft.~~

~~((4)) (3) Height of discharge requirements: No aircraft shall discharge restricted use desiccants and defoliants from the nozzles while either descending on to or ascending from the target field or ascending~~

((from)) or descending over an obstacle or obstruction within the target field.

((5)) (4) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

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 No. 1591, filed 1/29/79)

WAC 16-230-180 WEATHER AND EVENING CUTOFF REQUIREMENTS. (1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals.

(2) Evening cutoff: All applications of restricted use desiccants and defoliant shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning: PROVIDED, That ground applications of Dinitro may begin at sunrise the following morning: PROVIDED FURTHER, That all aircraft applications of Paraquat shall be prohibited when the temperature inversion ceiling is under 1,000 feet.

AMENDATORY SECTION (Amending Order No. 1598, filed 4/26/79)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT AND PARAQUAT IN WALLA WALLA COUNTY. (1) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north ((4)) four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east ((20)) twenty miles to the northeast corner of Section 11, T7N, R37E; thence south ((7)) seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1; PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry ((Creek)) Creek in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county; PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

(3) Area 2 description ((All lands in Walla Walla county excluding Area 1)) - southern portion of Walla Walla county: This area includes all lands lying within an area encompassed by a line starting at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines eight miles more or less to the Maxwell Road; thence northeast along the Maxwell Road and Dodd Road to the Touchet River; thence northerly and easterly along the Touchet River to State Highway 12; thence south along State Highway 12 nine miles more or less to Dry Creek Road; thence south along Dry Creek Road two miles more or less to the common section line between Sections 1 and 12, T7N, R37E to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington-Oregon border; thence west along the border nine miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) The application of Paraquat or any mixture containing Paraquat is hereby prohibited by aircraft in Area 2: PROVIDED, That the department of agriculture, upon written request may issue a permit for the use of Paraquat by aircraft for special weed control within Area 2.

(b) The application of Paraquat or any ((mix)) mixture containing Paraquat is hereby prohibited four hours prior to sunset ((to two hours after sunrise the following morning:)) until the temperature in the morning has risen at least 10 degrees above the night low temperature: PROVIDED, That this restriction shall not apply to ground applications during the months of November, December and January: PRO-VIDED FURTHER, That all aircraft applications of Paraquat shall be prohibited when the temperature inversion ceiling is under 1,000 feet.

((b)) (c) Application of Diquat or any ((mix)) mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

(i) Applications shall be limited to a total of ((100)) 150 acres per day.

(ii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used on.

(iii) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such as to prevent Diquat application, the department may renew the permits.

((iv)) (d) Visco elastic additives must be added to all Diquat and Paraquat applications and applicable label directions for that product must be followed.

(5) Area 3 description: All lands in Walla Walla county excluding Area 1 and Area 2.

(6) Area 3 restriction: All Area 2 restrictions shall apply to Area 3, except (4)(a).

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 80-02-170

**NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION**

[Memorandum, Exec. Secretary—February 4, 1980]

Notice is hereby given that the regular Conservation Commission Meeting scheduled for "the third Thursday" (WAC 135-04-020) of March, 1980 will be re-scheduled to:

Meeting Date: March 26, 1980

Meeting Place: Washington State University
Compton Union Building
Room 224
Pullman, Washington 99164

Meeting Time: Beginning at 8:30 a.m.

Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504, Phone: 753-3894 for further information.

Dates and places for other forthcoming meetings are yet to be determined.

WSR 80-02-171

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

[Memorandum—February 6, 1980]

The Department of Ecology (DOE) has received applications for short-term modifications to the water quality

standards for the purpose of treating various waters of the state with aquatic herbicides to control growth of aquatic plants. Although treatment of individual bodies of water may not cause significant impacts to the environment, DOE has determined that when the proposals are considered together, an impact statement is necessary.

Single copies of the draft environmental impact statement for this proposal are available at no charge, until the end of the review period, from the Department of Ecology, Environmental Review, Mail Stop PV-11, Olympia, Washington 98504; telephone (206) 753-2806.

Public hearings will be held to receive comments on the environmental impact statement at the following locations:

Port of Seattle
Auditorium, Pier 66
Seattle, Washington
Tuesday, March 18, 1980
at 7:30 p.m.

General Administration Bldg.
Main Conference Room
State Capitol Campus
Olympia, Washington
Thursday, March 20, 1980
at 7:30 p.m.

For further information regarding this proposal, contact Janet Rhodes, Department of Ecology, Mail Stop PV-11, Olympia, Washington, 98504; telephone (206) 753-2806.

People unable to attend the hearing should forward written statements to: Department of Ecology, Attn: Hearings Officer, Olympia, Washington 98504, prior the end of the review period for inclusion in the record.

WSR 80-02-172
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 6, 1980]

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 time requirements of permit, amending WAC 173-14-060;

that such agency will at 11:00 a.m., Wednesday, March 12, 1980, in the Lacey City Hall, Council Chambers, 420 College Street, Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, March 18, 1980, in the Department of Ecology, Headquarters Offices, Room 273, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 14, 1980, and/or orally at 11:00

a.m., Wednesday, March 12, 1980, Lacey City Hall, Council Chambers, 420 College Street, Lacey, WA.

Dated: February 6, 1980

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-060 TIME REQUIREMENTS OF PERMIT. The following time requirements shall apply to all substantial development, conditional use and variance 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 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. 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, 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 the running of the five-year period shall not include 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, and: PROVIDED FURTHER, That nothing herein shall preclude local government from issuing permits with a fixed termination date of less than five years.

WSR 80-02-173
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 6, 1980]

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 Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC;

that such agency will at 10:00 a.m., Wednesday, March 12, 1980, in the Lacey City Hall, Council Chambers, 420 College Street, Lacey, 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, March 18, 1980, in the Department of Ecology, Headquarters Offices, Room 273, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 14, 1980, and/or orally at 10:00

a.m., Wednesday, March 12, 1980, Lacey City Hall, Council Chambers, 420 College Street, Lacey, WA.

Dated: February 6, 1980

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved February 17, 1978.

- (1) Castle Rock master program approved
- (2) Kalama master program approved January 16, 1978.
- (3) Kelso master program approved ((.....))
November 26, 1979.
- (4) Longview master program approved May 19, 1977.
- (5) Woodland master program approved ((.....))
January 16, 1980.

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 DE 79-19, filed 10/9/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

- (1) Bonney Lake master program approved August 6, 1975.
- (2) Buckley master program approved April 7, 1975.
- (3) Dupont master program approved June 11, 1975.
- (4) Eatonville master program approved April 29, 1975.
- (5) Fife master program approved September 6, 1974.
- (6) Gig Harbor master program approved September 10, 1975.
- (7) Orting master program approved April 8, 1975.
- (8) Puyallup master program approved May 31, 1974.
- (9) Roy Master program approved April 9, 1975.
- (10) Ruston master program approved September 20, 1974.
- (11) South Prairie master program approved
- (12) Steilacoom master program approved
- (13) Sumner master program approved December 11, 1974.
- (14) Tacoma master program approved April 5, 1977. Revision approved December 5, 1979.
- (15) Wilkeson master program approved October 21, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-430 WAHAKIACUM COUNTY. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980.

Cathlamet master program approved June 17, 1975.

WSR 80-02-174

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed February 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.60.325, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a new Schedule of Tolls for the Washington State Ferry System as last amended by Order 11, Resolution 57, filed 9/5/79;

that such agency will at 2 p.m., Tuesday, March 18, 1980, in Room 1D2, Highway Administration Building,

Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Tuesday, March 18, 1980, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.033 [47.56.030] and 47.60.325.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1980, and/or orally at 2 p.m., Tuesday, March 18, 1980, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: February 6, 1980

By: Lue Clarkson
Administrator

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

WAC 468-300-005 PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES.

The following schedule of charges is hereby adopted:

- (1) Edmonds-Port Townsend: Double cross-Sound rate structure.
- (2) ~~((Lofall-Southpoint or other crossing of Hood Canal as may be designated by the Secretary of Transportation:~~

~~—\$.60 for passenger-only fare for ferry crossing only.~~

~~—Additionally, a special school rate of \$0.10 per student shall apply for designated school functions.))~~

The rates for ferry service across Hood Canal shall be the same as the Mukilteo-Clinton rate structure.

~~(((\$1.40)) \$1.50 for ferry crossing plus bus ride, terminal on either or both sides of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport, or intermediate points.~~

\$1.15 for bus ride only, terminal on each side of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport or other intermediate points.

~~((Upon institution of auto ferry service across Hood Canal, the rates shall be the same as the Mukilteo-Clinton rate structure.))~~

The rates for commercial vehicle barge service across Hood Canal are as follows:

Vehicle Length	Fare
Under 25 ft.	\$10
25 ft. - 35 ft.	\$15
35 ft. - 45 ft.	\$20
45 ft. - 55 ft.	\$25
55 ft. - 65 ft.	\$30
65 ft. - 75 ft.	\$35
75 ft. - 85 ft.	\$40
Over 85 ft.	\$40 + \$.50/ft. for each ft. over 85 ft.

Authorized school vehicles on institution-sponsored activities shall be charged a flat rate of \$1.50. All other buses and stages available for public transportation shall be charged a flat rate of \$4.50.

NOTE: The standard WSF overwidth surcharge and frequency discount rates shall also apply to the above tolls.

- (3) Above service shall be provided at one-half fare for children 5 to 11 and elderly over 65 and handicapped with Washington State Ferries handicapped permit. Children under 5, free.

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION *****		EXCURSION-ROUND TRIP****	
				20 Rides Ages 12-20	20 Rides Ages 5-11	Full Fare	Half Fare
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(.95) 1.05	.50 .55	11.40 12.60	9.50 10.50	4.75 5.25	1.35 1.55	.70) .80
Edmonds-Kingston Pt. Townsend-Keystone							
Fauntleroy-Vashon Southworth-Vashon	(1.25) 1.40	.65 .70	7.50 8.40	6.25 7.00	3.15) 3.50	N/A	N/A
Pt. Defiance-Tahlequah			*****				
Mukilteo-Clinton	(.60) .70	.30 .35	7.20 8.40	6.00 7.00	3.00 3.50	.85 .95	.45) .50
Anacortes to Lopez	(1.15) 1.30	.60 .65	13.80 15.60	11.50 13.00	5.75) 6.50		
Shaw or Orcas	(1.30) 1.45	.65 .75	15.60 17.40	13.00 14.50	6.50) 7.25	N/A	N/A
Friday Harbor	(1.45) 1.65	.75 .85	17.40 19.80	14.50 16.50	7.25) 8.25		
Sidney	(3.95) 4.45	2.00) 2.25	N/A	N/A	N/A	(4.50) 5.10	2.25) 2.55
Friday Harbor to Lopez, Shaw or Orcas	(.95) 1.05	.50 .55	11.40 12.60	9.50 10.50	4.75) 5.25	N/A	N/A
Between Lopez, Shaw, or Orcas	(.60) .70	.30 .35	7.20 8.40	6.00 7.00	3.00) 3.50	N/A	N/A
Sidney to Lopez	(2.85) 3.20	1.45) 1.60)))))
Shaw or Orcas	(2.65) 3.00	1.35) 1.50	N/A	N/A	N/A	N/A	N/A
Friday Harbor	(2.50) 2.85	1.25) 1.45)))))

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

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. NOTE: Half-fare privilege does not include vehicle.

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

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare. NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

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

*****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate.

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

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

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

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER		Excursion Round Trip***	
	One Way	Commutation 20 Rides	One Way	Commutation 20 Rides	Full Fare One Way	Half Fare One Way	Commutation 20 Rides	Full Fare	Half Fare
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(3.20) 3.60	51.20 57.60	1.70 1.90	22.65 25.35	1.35 1.55	.90 1.05	13.50 15.50	2.15 2.45	1.45 1.65
Edmonds-Kingston Pt. Townsend-Keystone									
Fauntleroy-Vashon Southworth-Vashon	(4.30) 4.90	34.40 39.20	2.25 2.60	15.00 17.35	1.80 2.00	1.20 1.30	9.00 10.00	N/A	N/A
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	(2.15) 2.45	34.40 39.20	1.15 1.30	15.35 17.35	.90 1.00	.60 .65	9.00 10.00	1.45 1.65	1.05 1.30
		10 Rides							
Anacortes to Lopez	(3.50) 3.95	28.00 31.60	2.05 2.30	27.35 30.65	1.60 1.80	1.05 1.15	16.00 18.00		
Shaw or Orcas	(3.95) 4.45	31.60 35.60	2.35 2.65	31.35 35.35	1.80 2.05	1.15 1.35	18.00 20.50	N/A	N/A
Friday Harbor	(4.50) 5.10	36.00 40.80	2.70 3.05	36.00 40.65	2.05 2.30	1.35 1.50	20.50 23.00		
Sidney	(16.95) 19.15	N/A	(8.50) 9.60	N/A	(5.55) 6.25	(3.60) 4.05	N/A	(7.70) 8.70	(5.45) 6.50
Friday Harbor to Lopez, Shaw or Orcas	(2.85) 3.20	22.80 25.60	1.70 1.90	22.65 25.35	1.35 1.55	.90 1.05	13.50 15.50	N/A	N/A
Between Lopez, Shaw, or Orcas	(1.90) 2.15	15.20 17.20	1.15 1.30	15.35 17.35	.90 1.00	.60 .65	9.00 10.00	N/A	N/A
Sidney to Lopez	(13.45) 15.20		(6.45) 7.30		(3.95) 4.45	(2.55) 2.85			
Shaw or Orcas	(13.00) 14.70	N/A	(6.10) 6.90	N/A	(3.75) 4.25	(2.45) 2.75	N/A	N/A	N/A
Friday Harbor	(12.45) 14.05		(5.75) 6.50		(3.50) 3.95	(2.25) 2.55			

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

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses). A charge of \$25.00 will be assessed for an emergency trip during non-operating hours at locations where a crew is on duty.

***Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***One day excursion for bicycle and rider with limited time ashore.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

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

ROUTES	OVERSIZED VEHICLES**		STAGES AND BUSES INCL. DRIVER***		BULK NEWSPAPERS Per 100 Lbs.	EXPRESS SHIPMENTS Per 100 Lbs.
	One Way	Commutation 20 Rides	One Way	Each**** Passenger		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winiflow	((5.10 5.75	81.60 92.00	7.05 7.95	.50) .55	(1) ((\\$1.25)) \$1.40	(2) ((\\$10.15)) \$11.45
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	((6.80 7.70	54.40 61.60	9.05 10.20	.65) .70	Per 100 Pounds (Shipments exceeding 60,000 lbs. in any month shall be assessed ((60¢)) 70¢ per 100 lbs.)	(Shipments exceeding 100 lbs. assessed ((\\$2.55)) \$2.90 for each 25 lbs. or fraction thereof.)
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((3.40 3.85	54.40 61.60	4.50 5.10	.30) .35		
Anacortes to Lopez, Shaw ((or)), Orcas or Friday Harbor Sidney		10 Rides		((.60) .70 ((7.05 7.95 ((23.15)) 26.15		
Friday Harbor to Lopez, Shaw or Orcas	((5.10 5.75	40.80 46.00	7.05 7.95	.50) .55		} Inter-Island Express } shipments will be handled @ ((\\$1.25)) \$1.40 per 100 lbs.
Between Lopez, Shaw or Orcas	((3.40 3.85	27.20 30.80	4.50 5.10	.30) .35		
Sidney to Lopez, Shaw ((or)), Orcas or Friday Harbor		N/A		((1.45) 1.65 ((22.05 24.90 ((1.25)) 1.55 1.40		

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

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

***Stages - Option of paying Auto-driver rate plus full fare for each passenger.

- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

- (1) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (2) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

WAC 468-300-040 TRUCK FERRY TOLLS.

ROUTES	TRUCK, INCL. DRIVER									
	**8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,001 to 80,000	Over 80,000 per 1,000 Lbs.

Fauntleroy-Southworth Seattle-Bremerton Seattle-((Kingston)) Winslow	((5.10 5.75	7.05 7.95	9.05 10.25	11.00 12.45	13.55 15.30	17.80 20.10	22.05 24.90	26.25 29.65	30.40 34.35	.50) .55
Edmonds-Kingston Pt. Townsend-Keystone										
Fauntleroy-Vashon Southworth-Vashon	((6.80 7.70	9.05 10.20	11.30 12.80	13.55 15.40	16.95 19.20	22.60 25.50	28.25 32.00	33.90 38.30	39.15 44.20	.60) .80
Pt. Defiance-Tahlequah										
Mukilteo-Clinton	((3.40 3.85	4.50 5.10	5.65 6.40	6.80 7.70	8.50 9.60	11.30 12.75	14.15 16.00	16.95 19.15	19.55 22.10	.35) .40
**Anacortes to Lopez Shaw or Orcas	((7.05 7.95	9.60 10.85	12.15 13.75	14.70 16.60	18.10 20.45	23.75 26.85	29.40 33.20	35.05 39.60	40.70 46.00	.70) .80
Friday Harbor Sidney	((23.15 26.15	31.65 35.75	40.10 45.30	48.60 54.90	58.75 66.40	77.95 88.10	97.20 109.85	116.40 131.55	121.75 137.60	2.15) 2.45
**Friday Harbor to Lopez, Shaw or Orcas	((5.10 5.75	7.05 7.95	9.05 10.25	11.00 12.45	13.55 15.30	17.80 20.10	22.05 24.90	26.25 29.65	30.40 34.35	.50) .55
**Between Lopez, Shaw or Orcas	((3.40 3.85	4.50 5.10	5.65 6.40	6.80 7.70	8.50 9.60	11.30 12.75	14.15 16.00	16.95 19.15	19.55 22.10	.35) .40
**Sidney to Lopez Shaw or Orcas	((16.10 18.20	22.05 24.90	28.25 31.90	33.90 38.30	40.70 46.00	54.25 61.30	67.80 76.60	81.35 91.95	84.85 95.90	1.45) 1.65
Friday Harbor										

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

**Commercial trucks are allowed stop-over at intermediate points upon payment of ((~~\$2.00~~)) \$2.25 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 to 23, inclusive, one-way unit crossings within any consecutive six day period _____ 25%

24 or more one-way unit crossings with any consecutive six day period _____ 33-1/3%

Semi-trucks are considered two truck units.

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

WAC 468-300-050 TRAILER FERRY TOLLS.

ROUTES	TRAILER					
	UNDER 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((1.70 1.90	3.20 3.60	5.10 5.75	11.00 12.45	17.80 20.10	22.05) 24.90
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	((2.25 2.60	4.30 4.90	6.80 7.70	13.55 15.40	22.60 25.50	28.25) 32.00
Pt. Defiance-Tahlequah						

ROUTES	TRAILER					
	UNDER 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Mukilteo-Clinton	(1.15) 1.30	2.15 2.45	3.40 3.85	6.80 7.70	11.30 12.75	14.15) 16.00
Anacortes to Lopez	(2.05) 2.30	3.50) 3.95				
Shaw or Orcas	(2.35) 2.65	3.95) 4.45	7.05) 7.95	14.70) 16.60	23.75) 26.85	29.40) 33.20
Friday Harbor	(2.70) 3.05	4.50) 5.10				
Sidney	(8.50) 9.60	16.95) 19.15	23.15) 26.15	48.60) 54.90	77.95) 88.10	97.20) 109.85
Friday Harbor to Lopez, Shaw or Orcas	(1.70) 1.90	2.85) 3.20	5.10) 5.75	11.00) 12.45	17.80) 20.10	22.05) 24.90
Between Lopez, Shaw, or Orcas	(1.15) 1.30	1.90) 2.15	3.40) 3.85	6.80) 7.70	11.30) 12.75	14.15) 16.00
Sidney to Lopez	(6.45) 7.30	13.45) 15.20				
Shaw or Orcas	(6.10) 6.90	13.00) 14.70	16.10) 18.20	33.90) 38.30	54.25) 61.30	67.80) 76.60
Friday Harbor	(5.75) 6.50	12.45) 14.05				

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-500 SECOND LAKE WASHINGTON TOLL BRIDGE TOLL SCHEDULE.

**WSR 80-02-175
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed February 6, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning campsite reservation system, WAC 352-32-035;

that such agency will at 9:00 a.m., Monday, March 17, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, March 17, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 14, 1980, and/or orally at 9:00 a.m., Monday, March 17, 1980, Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA.

Dated: February 6, 1980
By: Robert C. Hargreaves
Assistant Attorney General

NEW SECTION

WAC 352-32-035 CAMPSITE RESERVATION. (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservations may not be made more than 30 days or less than 24 hours in advance of the camping date. No reservations may be made prior to the first Monday of May.

(4) Reservations can only be made by calling the reservation center on the toll-free telephone line established for this purpose.

(5) There will be one \$3.00 fee charged for each reservation made at each park, in addition to the camping fee, regardless of the number of days reserved.

(6) To reserve any part of a regular weekend, the reservation must include Friday and Saturday nights. To reserve any part of a holiday weekend, the reservation must include Friday and Saturday nights and the night before the holiday.

(7) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(8) Reservations for a specific campsite within a park will not be guaranteed.

(9) Unreserved sites may be used for one night at a time on a first-come first-served basis without a reservation.

(10) Confirmed reservations which will not be used must be cancelled 24 hours in advance of the first reserved camping day by calling the toll-free reservation telephone number. Campers will be declared no-show and forfeit their reservation if they have not cancelled or if the reservations are not claimed by 6 p.m. on Sunday through Thursday, and 9 p.m. on Friday, Saturday, and the night before a holiday. If declared a no-show, the camper will lose the remaining reservation at that park. Campers who are declared no-shows will be billed for the reservation fee, and will not be allowed to make further reservations until their account is credited.

**WSR 80-02-176
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed February 6, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning public use of state park areas, chapter 352-32 WAC, including definitions WAC 352-32-010, camping regulations WAC 352-32-030, reservations for group use WAC 352-32-045, park

periods WAC 352-32-050, and standard fees charged WAC 352-32-250. The Commission will also take under advisement the issue of fee adjustments, in addition to those noted on the proposed changes to WAC 352-32-250, in accordance with its announced policy to annually review fees charged patrons of Washington state parks. No such fee changes are contemplated at this time, however, public comment is solicited;

that such agency will at 9:00 a.m., Monday, March 17, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, March 17, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 14, 1980, and/or orally at 9:00 a.m., Monday, March 17, 1980, Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA.

Dated: February 6, 1980

By: Robert C. Hargreaves
Assistant Attorney General

AMENDATORY SECTION (Amending Order No. 9, filed November 24, 1970)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated: (1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "Ranger" shall mean a duly appointed Washington State Parks Ranger who is vested with police powers under RCW 43.51.170 and WAC 352-32-020, and shall include the ((Head Ranger)) Park Manager in charge of any State Park Area ((and any Assistant Rangers)).

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

~~((5) "Trailer" shall mean a towed vehicle which contains sleeping or housekeeping accommodations.))~~

~~((6) "Camper" shall mean a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.))~~

~~((7) "Trailer site" shall mean designated camping sites which have water and/or electrical facilities available for hookup, and which are designed for the use of persons with trailers or campers.))~~

~~((8) "Camp site" shall mean designated camping sites which are designed for the use of tent campers, and which have no water and/or electrical utilities available for hookup to a trailer or camper.))~~

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Improved campsite" shall mean designated camping sites which have at least two facilities including water, sewage, or electricity available for hookup and which are designed for the use of persons with recreation vehicles or tents.

(7) "Standard campsite" shall mean designated camping sites which have one or less facilities of water, electricity or sewage available for hookup and which are designed for the use of persons with recreation vehicles or tents.

~~((9)) (8) "Camping shall mean erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a ((trailer, camper.)) recreation vehicle or other vehicle for the purpose of remaining overnight.~~

(9) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(10) "Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.

~~((10)) (11) "State Park Area" shall mean any area under the ownership, management, or control of the Commission, including trust lands which have been withdrawn from sale or lease by order of the Commissioner of Public Lands and the management of which has been transferred to the Commission, and specifically including all those areas defined in WAC 352-16-020.~~

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

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

AMENDATORY SECTION (Amending Order No. 39, filed May 1, 1978)

WAC 352-32-030 CAMPING. (1) No person shall camp in any State Park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable ((use)) camping fee has not been paid or if the time limit for occupancy of the campsite ((or trailer site)) has expired or the site is reserved by another party. Remaining in a campsite ((or trailer site)) beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer improved campsites by tent campers shall be subject to payment of the trailer improved campsite fee except when directed by a ranger to occupy an improved campsite.

(4) A ((trailer site or)) campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the ((daily use)) camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite ((or trailer site)) when it is being occupied by another party, or when informed by a Ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to seven consecutive days in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and WAC 352-32-285.

(6) The number of vehicles occupying ((camping facilities)) a campsite shall be limited to one car or one recreational vehicle ((camper, or one such vehicle with trailer, per camp or trailer site)). A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing ((regular camp or trailer)) campsites shall be limited to six persons per site.

(8) ~~((There are constructed in certain State Parks group camping areas. A group camping area is designated as such and generally located apart from the designated camp or trailer area. Facilities and extent of development of group areas may vary from park to park.))~~ All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a Ranger and shall ((using the areas must)) pay the applicable group camping fee ((established by the Washington State Parks and Recreation Commission)).

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached

the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) ~~((An emergency area is an area in the park that can be used for camping but not part of the designated camp or trailer area.))~~ Emergency camping areas set aside in certain state parks may be used only when all designated ~~((camp or trailer))~~ campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee ~~((appropriate for campsites))~~ and must vacate ~~((be out of))~~ the site by 8:00 the following morning.

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 Administrative Order No. 21, filed March 20, 1975)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE.

(1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the Group Use Permit. All conditions outlined on the Group Use Permit shall be binding on the group.

(4) A permit fee of five dollars shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the Group Use Permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservation seven or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the Park Manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the Region Supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the Assistant Director for Operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington State Parks and Recreation Commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by ~~((the Park Manager))~~ a Ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the Headquarters office of the Washington State Parks and Recreation Commission.

(9) It shall be within the authority of the Park Manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

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 Administrative Order No. 21, filed March 20, 1975)

WAC 352-32-050 PARK PERIODS. (1) The Director shall establish for each State Park Area, according to existing conditions,

times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the State Park Area affected and at the park office. No person shall enter or be present in a State Park Area after closing time except when camping, in a designated campsite or ~~((trailer site))~~ camping area, who has paid the applicable ~~((use))~~ camping fee; as a State Parks employee; or as a guest of a State Parks employee.

(2) The Director may establish for each State Park Area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any State Park Area or structure at any given time or period. No person shall enter in any State Park Area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the Director and when the individual is informed either by signs or by park staff that such capacity has been met and the park is full.

AMENDATORY SECTION (Amending Administrative Order No. 42, filed August 30, 1979)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping - ~~((basic camp))~~ standard campsite: \$4.50 per night;

(2) Overnight camping - improved camp site (two or more hookups): \$6.00 per night;

~~((3))~~ (3) Overnight camping - reservation fee: \$3.00 per campsite for each reserved period.

~~((4))~~ (4) Group camping area - certain parks: \$.25 per person per night. Recreational vehicle ~~((Vehicle))~~ campers must pay the ~~((basic camp))~~ "standard campsite" fee;

~~((5))~~ (5) Environmental Learning Centers: (ELC) overnight camping ~~((1-60))~~ \$1.90 per camper per night;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: ~~((2-60))~~ \$2.30 per camper per night;

(b) Environmental Learning Center day use only: \$.75 multiplied by the minimum capacity established for each ELC or \$.75 for each member of the group - whichever is higher;

~~((6))~~ (6) Hot Showers: \$.10 for four minutes shower time;

~~((7))~~ (7) Electric Stoves: \$.10 for thirty minutes cooking time;

~~((8))~~ (8) Senior Citizens Pass: \$12.00 per season (from September 15 through April 30);

~~((9))~~ (9) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977, First Extraordinary Session and Chapter 131, Laws of 1979, First Extraordinary Session shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the commission. Military veterans found eligible under Chapter 131, Laws of 1979, First Extraordinary Session shall be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass holder and guest or guests in one car or one ~~((camper, or one such vehicle with trailer per basic camper))~~ recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bikes, or mode of transportation other than those referenced above, and who are utilizing ~~((basic camp or))~~ overnight campsites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

~~((10))~~ (10) Adirondacks - not to include those located in ELC areas: Same as fee charged for improved campsite ~~((with two or more hookups))~~. Occupancy shall be limited to the number of built-in bunks provided.

~~((11))~~ (11) ~~((The fee and expanded Senior Citizen pass season provisions of this))~~ This regulation shall become effective ~~((October 1, 1979))~~ May 5, 1980.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and WAC 352-32-285 as now or hereafter amended.

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

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

WSR 80-02-177
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed February 6, 1980]

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 10:00 a.m., Monday, March 17, 1980, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, March 24, 1980, in the Department of Fisheries, Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1980, and/or orally at 10:00 a.m., Monday, March 17, 1980, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: February 6, 1980
 By: Gordon Sandison
 Director

AMENDATORY SECTION (Amending Order 79-42, filed 6/22/79)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island Light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Point Wilson Light and easterly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point Light, westerly of a line projected southeasterly from Sandy Point Light to the most westerly point of Gooseberry Point, northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shore line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light.

(10) Area 7B shall include those waters of Puget Sound ((tying)) easterly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point Light on Samish Island 28° true to Whiskey Rock (approximately 1,350 yards southeasterly of Governor's Point) at the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point Light on Samish Island 28° true to Whiskey Rock (approximately 1,350 yards southeasterly of Governor's Point) at the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point Light to the most westerly point of Gooseberry Point.

(13) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, ((northerly)) westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass Light #2, ((Ser. No. 2497)) Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

((+3)) (14) Area 8A shall include those waters of Puget Sound ((southerly)) easterly of a line projected from the East Point Light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass Light #2, ((Ser. No. 2497)) Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of the state highway 532 bridges between Camano Island and the mainland.

((+4)) (15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point.

(16) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

((+5)) (17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected 70° true from flashing light No. 33 (Ser. No. 2470) located on Point Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91, northerly of a true

east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point(s) on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

((+6)) (18) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91.

((+7)) (19) Area 10B shall include those waters of Puget Sound easterly of a line projected 70° true from flashing light No. 33 (Ser. No. 2470) located on Point Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.

((+8)) (20) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

((+9)) (21) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

((20)) (22) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

((21)) (23) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma, and northerly of the Tacoma Narrows Bridge.

((22)) (24) Area 11A shall include those waters of Puget Sound southerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma.

((23)) (25) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

((24)) (26) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

((25)) (27) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point Light to Misery Point.

((26)) (28) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

((27)) (29) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary marker at Union.

((28)) (30) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected 93° true from the marker on the Longbranch Peninsula to the point immediately north of Green Point and northerly and easterly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

((29)) (31) Area 13A shall include those waters of Puget Sound northerly of a line projected 93° true from the marker on Longbranch Peninsula to the point immediately north of Green Point.

((30)) (32) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

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16-231-105	NEW-P	80-02-063	16-231-935	NEW-P	80-02-068	25-18-060	NEW-P	80-02-082
16-231-110	NEW-P	80-02-063	16-231-940	NEW-P	80-02-068	25-18-070	NEW-P	80-02-082
16-231-120	NEW-P	80-02-063	16-232-001	NEW-P	80-02-074	25-18-080	NEW-P	80-02-082
16-231-125	NEW-P	80-02-063	16-232-005	NEW-P	80-02-074	25-18-090	NEW-P	80-02-082
16-231-130	NEW-P	80-02-063	16-232-010	NEW-P	80-02-074	25-18-100	NEW-P	80-02-082
16-231-135	NEW-P	80-02-063	16-232-015	NEW-P	80-02-074	25-18-110	NEW-P	80-02-082
16-231-140	NEW-P	80-02-063	16-232-020	NEW-P	80-02-074	25-18-120	NEW-P	80-02-082
16-231-145	NEW-P	80-02-063	16-232-025	NEW-P	80-02-074	25-18-130	NEW-P	80-02-082
16-231-150	NEW-P	80-02-063	16-232-030	NEW-P	80-02-074	25-24-010	NEW-E	80-02-083
16-231-200	NEW-P	80-02-067	16-232-035	NEW-P	80-02-074	25-24-010	NEW-P	80-02-085
16-231-205	NEW-P	80-02-067	16-232-040	NEW-P	80-02-074	25-24-020	NEW-E	80-02-083
16-231-210	NEW-P	80-02-067	16-232-100	NEW-P	80-02-072	25-24-020	NEW-P	80-02-085
16-231-215	NEW-P	80-02-067	16-232-105	NEW-P	80-02-072	25-24-030	NEW-E	80-02-083
16-231-220	NEW-P	80-02-067	16-232-110	NEW-P	80-02-072	25-24-030	NEW-P	80-02-085
16-231-225	NEW-P	80-02-067	16-232-115	NEW-P	80-02-072	25-24-040	NEW-E	80-02-083
16-231-230	NEW-P	80-02-067	16-232-120	NEW-P	80-02-072	25-24-040	NEW-P	80-02-085
16-231-235	NEW-P	80-02-067	16-232-125	NEW-P	80-02-072	25-24-050	NEW-E	80-02-083
16-231-240	NEW-P	80-02-067	16-232-130	NEW-P	80-02-072	25-24-050	NEW-P	80-02-085
16-231-300	NEW-P	80-02-075	16-232-200	NEW-P	80-02-078	25-24-060	NEW-E	80-02-083
16-231-305	NEW-P	80-02-075	16-232-205	NEW-P	80-02-078	25-24-060	NEW-P	80-02-085
16-231-310	NEW-P	80-02-075	16-232-210	NEW-P	80-02-078	25-24-070	NEW-E	80-02-083
16-231-315	NEW-P	80-02-075	16-232-215	NEW-P	80-02-078	25-24-070	NEW-P	80-02-085
16-231-320	NEW-P	80-02-075	16-232-220	NEW-P	80-02-078	82-28-080	AMD-E	80-02-128
16-231-325	NEW-P	80-02-075	16-232-225	NEW-P	80-02-078	82-28-080	AMD-P	80-02-129
16-231-330	NEW-P	80-02-075	16-232-230	NEW-P	80-02-078	82-36-030	AMD-P	80-01-105
16-231-335	NEW-P	80-02-075	16-532-040	AMD-P	80-02-157	82-36-030	AMD	80-02-162
16-231-340	NEW-P	80-02-075	16-560-06001	AMD-P	80-02-159	114-12-145	NEW-P	80-02-166
16-231-345	NEW-P	80-02-075	16-561-040	AMD-P	80-02-158	132H-148-020	AMD-P	80-02-154
16-231-400	NEW-P	80-02-065	18-32-009	REP-P	80-01-114	132H-148-030	AMD-P	80-02-154
16-231-405	NEW-P	80-02-065	18-32-010	REP-P	80-01-114	132H-148-040	AMD-P	80-02-154
16-231-410	NEW-P	80-02-065	18-32-020	REP-P	80-01-114	132H-148-050	AMD-P	80-02-154
16-231-415	NEW-P	80-02-065	18-32-030	REP-P	80-01-114	132H-148-060	AMD-P	80-02-154
16-231-420	NEW-P	80-02-065	18-32-040	REP-P	80-01-114	132H-148-070	AMD-P	80-02-154
16-231-425	NEW-P	80-02-065	18-32-050	REP-P	80-01-114	132H-148-080	AMD-P	80-02-154

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132H-148-090	AMD-P	80-02-154	173-19-1401	NEW	80-02-123	173-19-270	AMD	80-02-123
132H-148-100	AMD-P	80-02-154	173-19-1402	NEW	80-02-123	173-19-2701	NEW	80-02-123
132H-160-095	NEW	80-02-102	173-19-1403	NEW	80-02-123	173-19-2702	NEW	80-02-123
132I-128-330	AMD-P	80-02-138	173-19-1404	NEW	80-02-123	173-19-2703	NEW	80-02-123
132L-30-010	NEW-P	80-02-046	173-19-1405	NEW	80-02-123	173-19-280	AMD	80-02-123
132L-30-020	NEW-P	80-02-046	173-19-150	AMD	80-02-123	173-19-2801	NEW	80-02-123
132L-30-030	NEW-P	80-02-046	173-19-1501	NEW	80-02-123	173-19-2802	NEW	80-02-123
132L-30-040	NEW-P	80-02-046	173-19-1502	NEW	80-02-123	173-19-2803	NEW	80-02-123
132L-30-050	NEW-P	80-02-046	173-19-160	AMD	80-02-123	173-19-290	AMD	80-02-123
132L-30-060	NEW-P	80-02-046	173-19-160	AMD-P	80-02-173	173-19-2901	NEW	80-02-123
132L-30-070	NEW-P	80-02-046	173-19-1601	NEW	80-02-123	173-19-2902	NEW	80-02-123
132L-30-080	NEW-P	80-02-046	173-19-1602	NEW	80-02-123	173-19-2903	NEW	80-02-123
132L-30-090	NEW-P	80-02-046	173-19-1603	NEW	80-02-123	173-19-2904	NEW	80-02-123
132L-30-100	NEW-P	80-02-046	173-19-1604	NEW	80-02-123	173-19-2905	NEW	80-02-123
132L-30-110	NEW-P	80-02-046	173-19-1605	NEW	80-02-123	173-19-2906	NEW	80-02-123
132L-30-120	NEW-P	80-02-046	173-19-170	AMD	80-02-123	173-19-2907	NEW	80-02-123
132L-30-130	NEW-P	80-02-046	173-19-1701	NEW	80-02-123	173-19-300	AMD	80-02-123
132L-30-140	NEW-P	80-02-046	173-19-1702	NEW	80-02-123	173-19-3001	NEW	80-02-123
132L-30-150	NEW-P	80-02-046	173-19-1703	NEW	80-02-123	173-19-3002	NEW	80-02-123
132L-30-160	NEW-P	80-02-046	173-19-180	AMD	80-02-123	173-19-310	AMD	80-02-123
132L-30-170	NEW-P	80-02-046	173-19-1801	NEW	80-02-123	173-19-3101	NEW	80-02-123
132L-30-180	NEW-P	80-02-046	173-19-190	AMD	80-02-123	173-19-320	AMD	80-02-123
132L-30-190	NEW-P	80-02-046	173-19-1901	NEW	80-02-123	173-19-3201	NEW	80-02-123
132L-30-200	NEW-P	80-02-046	173-19-210	AMD	80-02-123	173-19-3202	NEW	80-02-123
132L-30-210	NEW-P	80-02-046	173-19-2101	NEW	80-02-123	173-19-3203	NEW	80-02-123
132L-30-220	NEW-P	80-02-046	173-19-2102	NEW	80-02-123	173-19-3204	NEW	80-02-123
132L-30-230	NEW-P	80-02-046	173-19-2103	NEW	80-02-123	173-19-3205	NEW	80-02-123
132L-30-240	NEW-P	80-02-046	173-19-2104	NEW	80-02-123	173-19-3206	NEW	80-02-123
132L-30-250	NEW-P	80-02-046	173-19-220	AMD	80-02-123	173-19-3207	NEW	80-02-123
132L-30-260	NEW-P	80-02-046	173-19-2201	NEW	80-02-123	173-19-3208	NEW	80-02-123
132L-30-270	NEW-P	80-02-046	173-19-2202	NEW	80-02-123	173-19-3209	NEW	80-02-123
132L-30-280	NEW-P	80-02-046	173-19-2203	NEW	80-02-123	173-19-3210	NEW	80-02-123
132L-30-290	NEW-P	80-02-046	173-19-2204	NEW	80-02-123	173-19-330	AMD	80-02-123
132L-112-040	AMD-P	80-02-047	173-19-2205	NEW	80-02-123	173-19-3301	NEW	80-02-123
132L-112-200	AMD-P	80-02-047	173-19-2206	NEW	80-02-123	173-19-3302	NEW	80-02-123
132L-112-230	AMD-P	80-02-047	173-19-2207	NEW	80-02-123	173-19-3303	NEW	80-02-123
132L-112-250	AMD-P	80-02-047	173-19-2208	NEW	80-02-123	173-19-3304	NEW	80-02-123
132L-112-280	NEW-P	80-02-047	173-19-230	AMD	80-02-123	173-19-340	AMD	80-02-123
132L-112-290	NEW-P	80-02-047	173-19-2301	NEW	80-02-123	173-19-3401	NEW	80-02-123
132V-23-010	NEW-E	80-02-107	173-19-2302	NEW	80-02-123	173-19-3402	NEW	80-02-123
132V-23-020	NEW-E	80-02-107	173-19-2303	NEW	80-02-123	173-19-3403	NEW	80-02-123
132V-23-030	NEW-E	80-02-107	173-19-240	AMD	80-02-123	173-19-3404	NEW	80-02-123
132V-23-040	NEW-E	80-02-107	173-19-2401	NEW	80-02-123	173-19-3405	NEW	80-02-123
132V-23-050	NEW-E	80-02-107	173-19-250	AMD	80-02-123	173-19-350	AMD	80-02-123
132V-23-060	NEW-E	80-02-107	173-19-2501	NEW	80-02-123	173-19-350	AMD-P	80-02-173
132V-23-070	NEW-E	80-02-107	173-19-2502	NEW	80-02-123	173-19-3501	NEW	80-02-123
132V-23-080	NEW-E	80-02-107	173-19-2503	NEW	80-02-123	173-19-3502	NEW	80-02-123
136-11-010	NEW	80-02-105	173-19-2504	NEW	80-02-123	173-19-3503	NEW	80-02-123
136-11-020	NEW	80-02-105	173-19-2505	NEW	80-02-123	173-19-3504	NEW	80-02-123
136-11-030	NEW	80-02-105	173-19-2506	NEW	80-02-123	173-19-3505	NEW	80-02-123
173-14-060	AMD-P	80-02-172	173-19-2507	NEW	80-02-123	173-19-3506	NEW	80-02-123
173-19-030	AMD	80-02-123	173-19-2508	NEW	80-02-123	173-19-3507	NEW	80-02-123
173-19-060	AMD	80-02-123	173-19-2509	NEW	80-02-123	173-19-3508	NEW	80-02-123
173-19-062	NEW	80-02-123	173-19-2510	NEW	80-02-123	173-19-3509	NEW	80-02-123
173-19-064	NEW	80-02-123	173-19-2511	NEW	80-02-123	173-19-3510	NEW	80-02-123
173-19-080	AMD	80-02-123	173-19-2512	NEW	80-02-123	173-19-3511	NEW	80-02-123
173-19-100	AMD	80-02-123	173-19-2513	NEW	80-02-123	173-19-3512	NEW	80-02-123
173-19-1001	NEW	80-02-123	173-19-2514	NEW	80-02-123	173-19-3513	NEW	80-02-123
173-19-1002	NEW	80-02-123	173-19-2515	NEW	80-02-123	173-19-3514	NEW	80-02-123
173-19-110	AMD	80-02-123	173-19-2516	NEW	80-02-123	173-19-3515	NEW	80-02-123
173-19-1101	NEW	80-02-123	173-19-2517	NEW	80-02-123	173-19-360	AMD	80-02-123
173-19-1102	NEW	80-02-123	173-19-2518	NEW	80-02-123	173-19-3601	NEW	80-02-123
173-19-1103	NEW	80-02-123	173-19-2519	NEW	80-02-123	173-19-370	AMD	80-02-123
173-19-1104	NEW	80-02-123	173-19-2520	NEW	80-02-123	173-19-3701	NEW	80-02-123
173-19-1105	NEW	80-02-123	173-19-2521	NEW	80-02-123	173-19-3702	NEW	80-02-123
173-19-120	AMD	80-02-123	173-19-2522	NEW	80-02-123	173-19-3703	NEW	80-02-123
173-19-1201	NEW	80-02-123	173-19-2523	NEW	80-02-123	173-19-3704	NEW	80-02-123
173-19-1202	NEW	80-02-123	173-19-2524	NEW	80-02-123	173-19-3705	NEW	80-02-123
173-19-1203	NEW	80-02-123	173-19-2525	NEW	80-02-123	173-19-3706	NEW	80-02-123
173-19-1204	NEW	80-02-123	173-19-260	AMD	80-02-123	173-19-380	AMD	80-02-123
173-19-1205	NEW	80-02-123	173-19-2601	NEW	80-02-123	173-19-3801	NEW	80-02-123
173-19-130	AMD	80-02-123	173-19-2602	NEW	80-02-123	173-19-3802	NEW	80-02-123
173-19-1301	NEW	80-02-123	173-19-2603	NEW	80-02-123	173-19-390	AMD	80-02-123
173-19-140	AMD	80-02-123	173-19-2604	NEW	80-02-123	173-19-3901	NEW	80-02-123

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-19-3902	NEW	80-02-123	173-405-086	NEW-E	80-02-012	220-48-09100B	NEW-E	80-02-044
173-19-3903	NEW	80-02-123	173-405-086	NEW-P	80-02-095	220-55	NEW-P	80-02-045
173-19-3904	NEW	80-02-123	173-410-021	AMD-E	80-02-013	220-56	REP-P	80-02-045
173-19-3905	NEW	80-02-123	173-410-021	AMD-P	80-02-096	220-56	NEW-P	80-02-045
173-19-3906	NEW	80-02-123	173-410-033	NEW-E	80-02-013	220-56-05000B	NEW-E	80-02-126
173-19-3907	NEW	80-02-123	173-410-066	AMD-E	80-02-013	220-57	AMD-P	80-02-045
173-19-3908	NEW	80-02-123	173-410-066	REP-P	80-02-096	220-57A	AMD-P	80-02-045
173-19-3909	NEW	80-02-123	173-410-067	NEW-P	80-02-096	220-105	REP-P	80-02-045
173-19-3910	NEW	80-02-123	173-410-071	NEW-E	80-02-013	230-04-140	AMD-E	80-02-119
173-19-3911	NEW	80-02-123	173-410-071	NEW-P	80-02-096	232-12-130	AMD-P	80-02-167
173-19-3912	NEW	80-02-123	173-410-081	REP-E	80-02-013	232-12-171	AMD-P	80-02-167
173-19-3913	NEW	80-02-123	173-410-081	REP-P	80-02-096	232-12-690	AMD-P	80-02-167
173-19-3914	NEW	80-02-123	173-410-086	NEW-E	80-02-013	232-12-710	AMD-P	80-02-167
173-19-3915	NEW	80-02-123	173-410-086	NEW-P	80-02-096	232-32-117	NEW-E	80-02-048
173-19-3916	NEW	80-02-123	173-475-010	NEW-P	80-01-114	232-32-118	NEW-E	80-02-057
173-19-400	AMD	80-02-123	173-475-020	NEW-P	80-01-114	232-32-119	NEW-E	80-02-058
173-19-4001	NEW	80-02-123	173-475-030	NEW-P	80-01-114	232-32-120	NEW-E	80-02-132
173-19-4002	NEW	80-02-123	173-475-040	NEW-P	80-01-114	232-32-121	NEW-E	80-02-133
173-19-4003	NEW	80-02-123	173-475-050	NEW-P	80-01-114	232-32-122	NEW-E	80-02-134
173-19-4004	NEW	80-02-123	173-531-010	REP-P	80-01-112	240-40-040	AMD-P	80-02-150
173-19-4005	NEW	80-02-123	173-531-020	REP-P	80-01-112	240-40-050	AMD-P	80-02-150
173-19-4006	NEW	80-02-123	173-531-030	REP-P	80-01-112	248-16-045	AMD	80-02-003
173-19-410	AMD	80-02-123	173-531-040	REP-P	80-01-112	248-18-040	AMD	80-02-003
173-19-4101	NEW	80-02-123	173-531-050	REP-P	80-01-112	248-18-222	NEW-P	80-02-021
173-19-4102	NEW	80-02-123	173-531-060	REP-P	80-01-112	248-18-510	AMD-P	80-01-108
173-19-420	AMD	80-02-123	173-531-070	REP-P	80-01-112	248-18-607	NEW-P	80-02-021
173-19-4201	NEW	80-02-123	173-563-010	NEW-P	80-01-113	248-18-636	NEW-P	80-02-021
173-19-4202	NEW	80-02-123	173-563-020	NEW-P	80-01-113	248-18-718	AMD-P	80-01-108
173-19-4203	NEW	80-02-123	173-563-030	NEW-P	80-01-113	248-22-520	AMD	80-02-003
173-19-4204	NEW	80-02-123	173-563-040	NEW-P	80-01-113	248-64-290	AMD-P	80-02-020
173-19-4205	NEW	80-02-123	173-563-050	NEW-P	80-01-113	248-96-020	AMD-P	80-01-107
173-19-4206	NEW	80-02-123	173-563-060	NEW-P	80-01-113	248-96-040	AMD-P	80-01-107
173-19-430	AMD	80-02-123	173-563-070	NEW-P	80-01-113	248-96-075	AMD-P	80-01-107
173-19-430	AMD-P	80-02-173	173-563-080	NEW-P	80-01-113	248-96-080	AMD-P	80-01-107
173-19-4301	NEW	80-02-123	173-563-090	NEW-P	80-01-113	250-20-011	AMD-P	80-02-149
173-19-440	AMD	80-02-123	173-563-900	NEW-P	80-01-113	250-20-021	AMD-P	80-02-149
173-19-4401	NEW	80-02-123	173-563-901	NEW-P	80-01-113	250-20-041	AMD-P	80-02-149
173-19-4402	NEW	80-02-123	180-30-800	NEW	80-02-145	250-55-030	AMD-P	80-02-152
173-19-450	AMD	80-02-123	180-30-805	NEW	80-02-145	251-06-060	AMD	80-02-111
173-19-4501	NEW	80-02-123	180-30-807	NEW	80-02-145	251-09-090	AMD	80-02-111
173-19-4502	NEW	80-02-123	180-30-810	NEW	80-02-145	251-22-111	AMD	80-02-111
173-19-4503	NEW	80-02-123	180-30-815	NEW	80-02-145	260-70-010	AMD-P	80-01-106
173-19-4504	NEW	80-02-123	180-30-820	NEW	80-02-145	260-70-021	REP-P	80-01-106
173-19-4505	NEW	80-02-123	180-30-825	NEW	80-02-145	260-70-022	NEW-P	80-01-106
173-19-4506	NEW	80-02-123	180-30-830	NEW	80-02-145	275-15-010	REP	80-02-136
173-19-4507	NEW	80-02-123	180-30-835	NEW	80-02-145	275-15-020	REP	80-02-136
173-19-460	AMD	80-02-123	180-30-840	NEW	80-02-145	275-15-030	REP	80-02-136
173-19-4601	NEW	80-02-123	180-30-845	NEW	80-02-145	275-15-040	REP	80-02-136
173-19-4602	NEW	80-02-123	180-43-005	NEW	80-02-146	275-15-050	REP	80-02-136
173-19-4603	NEW	80-02-123	180-43-010	NEW	80-02-146	275-15-060	REP	80-02-136
173-19-4604	NEW	80-02-123	180-43-015	NEW	80-02-146	275-15-070	REP	80-02-136
173-19-4605	NEW	80-02-123	180-56-031	AMD	80-02-147	275-15-080	REP	80-02-136
173-19-4606	NEW	80-02-123	182-12-115	AMD-P	80-02-148	275-15-100	REP	80-02-136
173-19-4607	NEW	80-02-123	182-12-122	AMD-P	80-02-148	275-15-110	REP	80-02-136
173-19-470	AMD	80-02-123	182-12-130	AMD-P	80-02-148	275-15-120	REP	80-02-136
173-19-4701	NEW	80-02-123	182-12-132	NEW-P	80-02-148	275-15-130	REP	80-02-136
173-19-4702	NEW	80-02-123	182-12-135	REP-P	80-02-148	275-15-140	REP	80-02-136
173-19-4703	NEW	80-02-123	182-12-190	AMD-P	80-02-148	275-15-150	REP	80-02-136
173-19-4704	NEW	80-02-123	192-12-041	NEW	80-02-034	275-15-160	REP	80-02-136
173-19-4705	NEW	80-02-123	192-12-042	NEW	80-02-034	275-15-200	REP	80-02-136
173-19-4706	NEW	80-02-123	204-66-060	AMD	80-02-093	275-15-205	REP	80-02-136
173-19-4707	NEW	80-02-123	204-70	NEW-P	80-02-092	275-15-210	REP	80-02-136
173-134-150	REP	80-02-025	220-22-030	AMD-P	80-02-177	275-15-215	REP	80-02-136
173-405-021	AMD-E	80-02-012	220-28-007F0J	REP-E	80-02-056	275-15-220	REP	80-02-136
173-405-021	AMD-P	80-02-095	220-28-012F0E	REP-E	80-02-127	275-15-225	REP	80-02-136
173-405-033	NEW-E	80-02-012	220-28-012G0A	REP-E	80-02-014	275-15-230	REP	80-02-136
173-405-033	NEW-P	80-02-095	220-28-012H0A	REP-E	80-02-127	275-15-235	REP	80-02-136
173-405-071	AMD-E	80-02-012	220-28-01300P	REP-E	80-02-014	275-15-240	REP	80-02-136
173-405-076	REP-E	80-02-012	220-28-01300Q	NEW-E	80-02-043	275-15-245	REP	80-02-136
173-405-076	REP-P	80-02-095	220-28-013G0F	REP-E	80-02-014	275-15-250	REP	80-02-136
173-405-077	NEW-P	80-02-095	220-28-013G0G	NEW-E	80-02-043	275-15-255	REP	80-02-136
173-405-078	NEW-P	80-02-095	220-32-04000G	NEW-E	80-02-125	275-15-300	REP	80-02-136
173-405-081	REP-E	80-02-012	220-32-05100M	NEW-E	80-02-125	275-15-305	REP	80-02-136
173-405-081	REP-P	80-02-095	220-32-05700F	NEW-E	80-02-125	275-15-310	REP	80-02-136

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-15-315	REP	80-02-136	275-19-700	NEW	80-02-136	296-54-593	AMD-E	80-02-030
275-15-320	REP	80-02-136	275-19-710	NEW	80-02-136	296-54-595	AMD-E	80-02-030
275-15-325	REP	80-02-136	275-19-720	NEW	80-02-136	296-54-601	AMD-E	80-02-030
275-15-330	REP	80-02-136	275-19-800	NEW	80-02-136	296-104-200	AMD-P	80-02-104
275-15-335	REP	80-02-136	275-19-810	NEW	80-02-136	296-116-040	REP-P	80-01-102
275-15-340	REP	80-02-136	275-19-820	NEW	80-02-136	296-116-080	AMD-P	80-01-102
275-15-345	REP	80-02-136	275-19-830	NEW	80-02-136	296-116-082	NEW-P	80-01-102
275-15-350	REP	80-02-136	275-19-900	NEW	80-02-136	296-116-090	REP-P	80-01-102
275-15-355	REP	80-02-136	275-19-910	NEW	80-02-136	296-116-095	REP-P	80-01-102
275-15-360	REP	80-02-136	275-19-920	NEW	80-02-136	296-116-100	REP-P	80-01-102
275-15-400	REP	80-02-136	275-19-930	NEW	80-02-136	296-116-105	REP-P	80-01-102
275-15-500	REP	80-02-136	275-20-030	AMD	80-02-060	296-116-110	AMD-P	80-01-102
275-15-600	REP	80-02-136	275-25-770	AMD	80-02-120	296-116-130	AMD-P	80-01-102
275-15-605	REP	80-02-136	275-110-010	NEW	80-02-109	296-116-160	REP-P	80-01-102
275-15-610	REP	80-02-136	275-110-020	NEW	80-02-109	296-116-180	REP-P	80-01-102
275-15-615	REP	80-02-136	275-110-030	NEW	80-02-109	296-116-185	REP-P	80-01-102
275-15-620	REP	80-02-136	275-110-040	NEW	80-02-109	296-116-190	REP-P	80-01-102
275-15-625	REP	80-02-136	275-110-050	NEW	80-02-109	296-116-210	REP-P	80-01-102
275-15-630	REP	80-02-136	275-110-060	NEW	80-02-109	296-116-220	REP-P	80-01-102
275-15-700	REP	80-02-136	275-110-070	NEW	80-02-109	296-116-310	REP-P	80-01-102
275-15-705	REP	80-02-136	275-110-080	NEW	80-02-109	296-116-320	AMD-P	80-01-102
275-15-710	REP	80-02-136	275-110-090	NEW	80-02-109	296-401-060	NEW	80-02-052
275-15-715	REP	80-02-136	275-110-100	NEW	80-02-109	296-401-070	NEW	80-02-052
275-15-800	REP	80-02-136	284-17-200	NEW-P	80-02-086	296-401-080	NEW	80-02-052
275-15-805	REP	80-02-136	284-17-210	NEW-P	80-02-086	296-401-090	NEW	80-02-052
275-15-810	REP	80-02-136	284-17-220	NEW-P	80-02-086	296-401-100	NEW	80-02-052
275-15-815	REP	80-02-136	284-17-230	NEW-P	80-02-086	296-401-110	NEW	80-02-052
275-19-010	NEW	80-02-136	284-17-240	NEW-P	80-02-086	296-401-120	NEW	80-02-052
275-19-020	NEW	80-02-136	284-17-250	NEW-P	80-02-086	296-401-130	NEW	80-02-052
275-19-030	NEW	80-02-136	284-17-260	NEW-P	80-02-086	296-401-140	NEW	80-02-052
275-19-040	NEW	80-02-136	284-17-270	NEW-P	80-02-086	296-401-150	NEW	80-02-052
275-19-050	NEW	80-02-136	284-17-280	NEW-P	80-02-086	296-401-160	NEW	80-02-052
275-19-060	NEW	80-02-136	284-17-290	NEW-P	80-02-086	296-401-170	NEW	80-02-052
275-19-070	NEW	80-02-136	284-17-300	NEW-P	80-02-086	296-401-180	NEW	80-02-052
275-19-075	NEW	80-02-136	284-17-400	NEW-P	80-02-103	304-25	AMD	80-02-041
275-19-080	NEW	80-02-136	284-17-400	NEW-E	80-02-115	304-25-010	AMD	80-02-041
275-19-090	NEW	80-02-136	284-17-410	NEW-P	80-02-103	304-25-020	AMD	80-02-041
275-19-100	NEW	80-02-136	284-17-410	NEW-E	80-02-115	304-25-030	AMD	80-02-041
275-19-110	NEW	80-02-136	284-17-420	NEW-P	80-02-103	304-25-040	AMD	80-02-041
275-19-120	NEW	80-02-136	284-17-420	NEW-E	80-02-115	304-25-050	AMD	80-02-041
275-19-130	NEW	80-02-136	284-20-005	AMD-P	80-02-089	304-25-060	AMD	80-02-041
275-19-140	NEW	80-02-136	289-13-090	AMD-P	80-02-161	304-25-070	REP	80-02-041
275-19-150	NEW	80-02-136	289-13-100	NEW-P	80-02-161	304-25-080	REP	80-02-041
275-19-160	NEW	80-02-136	289-13-110	NEW-P	80-02-161	304-25-090	AMD	80-02-041
275-19-170	NEW	80-02-136	289-13-120	NEW-P	80-02-161	304-25-100	AMD	80-02-041
275-19-180	NEW	80-02-136	289-13-130	NEW-P	80-02-161	304-25-110	AMD	80-02-041
275-19-190	NEW	80-02-136	289-13-140	NEW-P	80-02-161	304-25-120	AMD	80-02-041
275-19-200	NEW	80-02-136	289-13-150	NEW-P	80-02-161	304-25-510	NEW	80-02-041
275-19-210	NEW	80-02-136	289-13-160	NEW-P	80-02-161	304-25-520	NEW	80-02-041
275-19-220	NEW	80-02-136	289-13-170	NEW-P	80-02-161	304-25-530	NEW	80-02-041
275-19-230	NEW	80-02-136	289-13-180	NEW-P	80-02-161	304-25-540	NEW	80-02-041
275-19-240	NEW	80-02-136	289-13-190	NEW-P	80-02-161	304-25-550	NEW	80-02-041
275-19-250	NEW	80-02-136	289-13-200	NEW-P	80-02-161	304-25-555	NEW	80-02-041
275-19-260	NEW	80-02-136	289-13-210	NEW-P	80-02-161	304-25-560	NEW	80-02-041
275-19-270	NEW	80-02-136	296-11-001	AMD-P	80-01-102	304-25-570	NEW	80-02-041
275-19-280	NEW	80-02-136	296-11-002	REP-P	80-01-102	304-25-580	NEW	80-02-041
275-19-300	NEW	80-02-136	296-54-505	AMD-E	80-02-030	304-25-590	NEW	80-02-041
275-19-310	NEW	80-02-136	296-54-507	AMD-E	80-02-030	308-16-350	AMD	80-02-079
275-19-320	NEW	80-02-136	296-54-511	AMD-E	80-02-030	308-36-050	AMD-P	80-01-104
275-19-330	NEW	80-02-136	296-54-515	AMD-E	80-02-030	308-42-120	NEW-P	80-02-166
275-19-340	NEW	80-02-136	296-54-517	AMD-E	80-02-030	308-54-150	AMD-P	80-02-163
275-19-350	NEW	80-02-136	296-54-519	AMD-E	80-02-030	308-54-320	NEW-P	80-02-166
275-19-400	NEW	80-02-136	296-54-527	AMD-E	80-02-030	308-53-145	NEW-P	80-01-103
275-19-410	NEW	80-02-136	296-54-529	AMD-E	80-02-030	308-53-146	NEW-P	80-01-103
275-19-420	NEW	80-02-136	296-54-531	AMD-E	80-02-030	308-53-280	NEW-P	80-01-103
275-19-430	NEW	80-02-136	296-54-535	AMD-E	80-02-030	308-61-110	AMD	80-02-053
275-19-440	NEW	80-02-136	296-54-539	AMD-E	80-02-030	308-61-155	AMD	80-02-053
275-19-500	NEW	80-02-136	296-54-543	AMD-E	80-02-030	308-120-100	AMD-P	80-02-091
275-19-510	NEW	80-02-136	296-54-549	AMD-E	80-02-030	308-120-120	REP-P	80-02-091
275-19-520	NEW	80-02-136	296-54-551	AMD-E	80-02-030	308-120-130	REP-P	80-02-091
275-19-530	NEW	80-02-136	296-54-555	AMD-E	80-02-030	308-120-140	REP-P	80-02-091
275-19-540	NEW	80-02-136	296-54-557	AMD-E	80-02-030	308-120-205	NEW-P	80-02-091
275-19-600	NEW	80-02-136	296-54-563	AMD-E	80-02-030	308-120-206	NEW-P	80-02-091
275-19-610	NEW	80-02-136	296-54-575	AMD-E	80-02-030	308-120-207	NEW-P	80-02-091

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308-120-208	NEW-P	80-02-091	365-33-750	REP-P	80-02-122	388-83-025	AMD	80-02-001
308-120-209	NEW-P	80-02-091	365-33-760	REP-P	80-02-122	388-83-040	AMD	80-02-062
308-120-210	NEW-P	80-02-091	365-35-010	REP-P	80-02-122	388-83-045	AMD	80-02-061
308-120-211	NEW-P	80-02-091	365-35-900	REP-P	80-02-122	388-91-010	AMD	80-02-024
308-120-212	NEW-P	80-02-091	365-37-010	REP-P	80-02-122	388-92-015	AMD	80-02-050
308-120-213	NEW-P	80-02-091	365-37-110	REP-P	80-02-122	388-92-020	AMD	80-02-050
308-120-214	NEW-P	80-02-091	365-37-120	REP-P	80-02-122	388-92-035	AMD	80-02-062
308-120-215	NEW-P	80-02-091	365-37-130	REP-P	80-02-122	388-92-055	AMD	80-02-061
308-120-216	NEW-P	80-02-091	365-37-210	REP-P	80-02-122	390-05-271	AMD	80-02-055
308-120-217	NEW-P	80-02-091	365-37-220	REP-P	80-02-122	390-12-020	REP	80-02-106
308-120-218	NEW-P	80-02-091	365-37-310	REP-P	80-02-122	390-12-030	REP	80-02-106
308-120-219	NEW-P	80-02-091	365-37-320	REP-P	80-02-122	390-12-060	REP	80-02-106
308-120-220	NEW-P	80-02-091	365-37-330	REP-P	80-02-122	390-12-070	REP	80-02-106
308-120-221	NEW-P	80-02-091	365-37-340	REP-P	80-02-122	390-12-080	REP	80-02-106
308-120-222	NEW-P	80-02-091	365-37-410	REP-P	80-02-122	390-12-090	REP	80-02-106
308-122-040	NEW	80-02-114	365-37-510	REP-P	80-02-122	390-12-100	REP	80-02-106
308-122-050	NEW	80-02-114	365-37-520	REP-P	80-02-122	390-12-110	REP	80-02-106
314-16-040	AMD-P	80-02-035	365-37-530	REP-P	80-02-122	390-12-120	REP	80-02-106
314-16-040	AMD	80-02-094	365-37-540	REP-P	80-02-122	390-12-140	REP	80-02-106
332-30	NEW-P	80-02-015	365-37-550	REP-P	80-02-122	390-12-160	REP	80-02-106
352-32-010	AMD-P	80-02-176	365-37-560	REP-P	80-02-122	390-16-080	REP	80-02-106
352-32-030	AMD-P	80-02-176	365-37-570	REP-P	80-02-122	390-16-085	REP	80-02-106
352-32-035	NEW-P	80-02-175	365-37-580	REP-P	80-02-122	390-16-090	REP	80-02-106
352-32-045	AMD-P	80-02-176	388-15-020	AMD	80-02-049	390-16-095	REP	80-02-106
352-32-050	AMD-P	80-02-176	388-15-120	AMD-P	80-02-142	390-20-020	AMD	80-02-055
352-32-250	AMD-P	80-02-176	388-17-160	AMD	80-02-135	390-20-028	REP	80-02-055
356-06-040	AMD-P	80-02-137	388-26-055	AMD-P	80-01-100	390-20-030	REP	80-02-106
356-14-140	AMD-P	80-02-038	388-28-576	REP-P	80-02-143	390-20-040	REP	80-02-106
356-15-050	AMD-P	80-02-039	388-28-576	REP-E	80-02-144	390-20-050	REP	80-02-106
356-15-120	AMD-P	80-02-039	388-35-010	AMD-P	80-01-100	390-20-051	REP	80-02-055
356-18-015	NEW-P	80-02-039	388-35-020	AMD	80-02-022	390-20-052	NEW	80-02-055
356-18-020	AMD-P	80-02-039	388-37-030	AMD	80-02-022	390-20-053	REP	80-02-055
356-18-025	AMD-P	80-02-039	388-53-010	AMD-E	80-02-118	390-20-055	REP	80-02-055
356-18-030	AMD-P	80-02-039	388-53-010	AMD-P	80-02-121	390-20-060	REP	80-02-106
356-18-040	AMD-P	80-02-039	388-53-020	AMD-E	80-02-118	390-20-070	REP	80-02-106
356-18-070	AMD	80-02-037	388-53-020	AMD-P	80-02-121	390-20-080	REP-P	80-01-115
356-18-090	AMD-P	80-02-039	388-53-030	AMD-E	80-02-118	390-20-120	AMD	80-02-106
356-22-030	AMD-P	80-02-038	388-53-030	AMD-P	80-02-121	390-24-010	AMD	80-02-055
356-26-030	AMD-P	80-02-038	388-53-040	AMD-E	80-02-118	390-24-025	AMD-P	80-01-115
356-26-030	AMD-P	80-02-137	388-53-040	AMD-P	80-02-121	390-28-040	AMD-P	80-01-115
356-26-060	AMD-P	80-02-137	388-53-050	AMD-E	80-02-118	390-28-100	AMD	80-02-106
356-30-070	AMD-P	80-02-137	388-53-050	AMD-P	80-02-121	391-21-700	AMD-E	80-02-116
356-30-146	AMD-P	80-02-137	388-53-070	AMD-E	80-02-118	391-21-700	AMD-P	80-02-156
360-49-040	NEW	80-02-113	388-53-070	AMD-P	80-02-121	391-21-702	AMD-E	80-02-116
360-52-060	AMD	80-02-113	388-53-080	AMD-E	80-02-118	391-21-702	AMD-P	80-02-156
360-52-070	AMD-P	80-02-112	388-53-080	AMD-P	80-02-121	391-21-708	AMD-E	80-02-116
360-52-070	AMD-P	80-02-164	388-53-090	AMD-E	80-02-118	391-21-708	AMD-P	80-02-156
365-31-010	AMD-P	80-02-122	388-53-090	AMD-P	80-02-121	391-21-712	AMD-E	80-02-116
365-31-020	AMD-P	80-02-122	388-53-100	AMD-E	80-02-118	391-21-712	AMD-P	80-02-156
365-31-110	AMD-P	80-02-122	388-53-100	AMD-P	80-02-121	391-21-716	AMD-E	80-02-116
365-31-111	NEW-P	80-02-122	388-53-110	REP-E	80-02-118	391-21-716	AMD-P	80-02-156
365-31-120	AMD-P	80-02-122	388-53-110	REP-P	80-02-121	391-21-718	AMD-E	80-02-116
365-31-130	AMD-P	80-02-122	388-53-120	AMD-E	80-02-118	391-21-718	AMD-P	80-02-156
365-31-150	AMD-P	80-02-122	388-53-120	AMD-P	80-02-121	391-21-719	NEW-E	80-02-116
365-31-160	AMD-P	80-02-122	388-54-725	AMD-P	80-02-143	391-21-719	NEW-P	80-02-156
365-31-170	AMD-P	80-02-122	388-54-725	AMD-E	80-02-144	391-21-720	AMD-E	80-02-116
365-31-180	REP-P	80-02-122	388-54-735	AMD-P	80-01-101	391-21-720	AMD-P	80-02-156
365-31-210	AMD-P	80-02-122	388-54-735	AMD-P	80-02-143	391-21-721	NEW-E	80-02-116
365-31-310	REP-P	80-02-122	388-54-735	AMD-E	80-02-144	391-21-721	NEW-P	80-02-156
365-31-320	REP-P	80-02-122	388-54-740	AMD-P	80-01-101	391-21-722	AMD-E	80-02-116
365-31-330	AMD-P	80-02-122	388-54-785	AMD-P	80-01-101	391-21-722	AMD-P	80-02-156
365-31-340	REP-P	80-02-122	388-54-805	AMD-P	80-01-101	391-21-723	NEW-E	80-02-116
365-31-350	REP-P	80-02-122	388-54-835	AMD-P	80-01-101	391-21-723	NEW-P	80-02-156
365-31-360	REP-P	80-02-122	388-57-032	NEW	80-02-023	391-21-724	AMD-E	80-02-116
365-31-370	REP-P	80-02-122	388-57-036	NEW	80-02-023	391-21-724	AMD-P	80-02-156
365-31-410	REP-P	80-02-122	388-57-090	AMD	80-02-023	391-21-726	AMD-E	80-02-116
365-31-420	REP-P	80-02-122	388-70-058	NEW-P	80-02-032	391-21-726	AMD-P	80-02-156
365-31-430	REP-P	80-02-122	388-70-058	NEW-E	80-02-033	391-21-728	AMD-E	80-02-116
365-31-440	REP-P	80-02-122	388-72-050	NEW	80-02-051	391-21-728	AMD-P	80-02-156
365-31-450	REP-P	80-02-122	388-72-060	NEW	80-02-051	391-21-733	NEW-E	80-02-116
365-31-460	REP-P	80-02-122	388-72-070	NEW	80-02-051	391-21-733	NEW-P	80-02-156
365-31-470	REP-P	80-02-122	388-72-080	NEW	80-02-051	391-21-734	AMD-E	80-02-116
365-33-730	REP-P	80-02-122	388-72-090	NEW	80-02-051	391-21-734	AMD-P	80-02-156
365-33-740	REP-P	80-02-122	388-80-005	AMD	80-02-001	391-21-735	NEW-E	80-02-116

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391-21-735	NEW-P	80-02-156	458-57-380	NEW-P	80-01-116	490-38-050	REP-P	80-02-004
391-21-737	NEW-E	80-02-116	458-57-390	NEW-P	80-01-116	490-38-051	REP-P	80-02-004
391-21-737	NEW-P	80-02-156	458-57-400	NEW-P	80-01-116	490-38-060	REP-P	80-02-004
391-21-738	AMD-E	80-02-116	458-57-410	NEW-P	80-01-116	490-38-070	REP-P	80-02-004
391-21-738	AMD-P	80-02-156	458-57-420	NEW-P	80-01-116	490-38-080	REP-P	80-02-004
391-21-740	REP-E	80-02-116	458-57-430	NEW-P	80-01-116	490-38-090	NEW-P	80-02-004
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