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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1980

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

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> 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

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

<sup>2</sup>"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.

<sup>3</sup>OTS 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 80-03-070**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 79-35—Filed February 28, 1980]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to motor vehicle emission inspection, adopting chapter 173-422 WAC.

This action is taken pursuant to Notice No. WSR 80-01-054 filed with the code reviser on December 19, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.120-.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 27, 1980.

By Elmer C. Vogel  
 Deputy Director

Chapter 173-422 WAC

**MOTOR VEHICLE EMISSION INSPECTION**

NEW SECTION

**WAC 173-422-010 PURPOSE.** This chapter implements chapter 163, Laws of 1979, 1st extraordinary session.

Motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and to reduce emissions, when such can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated activities necessary to implement the governing legislation.

NEW SECTION

**WAC 173-422-020 DEFINITIONS.** Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Accuracy" means the degree of correctness by which the true value of a measured sample is determined.

(2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and/or carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.

(3) "Certificate of Acceptance" means an official form, issued by someone authorized by the department, which certifies that following conditions have been met: the recipient's vehicle initially failed to comply with applicable emission standards, more than fifty dollars of expenditures for repairs/parts were spent on the vehicle solely to meet such standards, the vehicle on reinspection again failed to meet such standards, and inspection fees have been paid.

(4) "Certificate of Compliance" means an official form, issued by someone authorized by the department, which certifies that the following conditions have been met: the recipient's vehicle on inspection complied with applicable emission standards and inspection fees have been paid.

(5) "Dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Department" means the department of ecology.

(7) "Drift" means the change in the reading of the analyzer to a given sample over a period of time.

(8) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area. (The inspection program implemented by this chapter applies only to vehicles registered in emission contributing areas.)

(9) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

(10) "Fleet" means a group of twenty-five or more motor vehicles owned or leased concurrently by one person.

(11) "Gaseous fuel" means liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(12) "Gross vehicle weight (GVW)" means the manufacturer stated gross vehicle weight rating.

(13) "HC and CO emissions" means the concentration of hydrocarbons and carbon monoxide in the engine exhaust.

(14) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(15) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

(16) "NBS" means National Bureau of Standards.

(17) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded after December 31, 1982.

(18) "PPM" means parts per million by volume.

(19) "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.

(20) "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(21) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(22) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.

**NEW SECTION**

**WAC 173-422-030 VEHICLE EMISSION INSPECTION REQUIREMENT.** All motor vehicles not specifically exempted which are registered within the boundaries of an emission contributing area are subject to the vehicle emission inspection requirements of this chapter. After January 1, 1982, all motor vehicles subject to this chapter shall be tested for emissions at an authorized inspection facility and shall not be licensed or have the license renewed unless a certificate of compliance or acceptance has been issued for the vehicle within ninety days prior to the date of licensing or renewing the license.

All motor vehicles which are being registered or re-registered in emission contributing areas specified in WAC 173-422-050, and which are not exempted by WAC 173-422-170, shall be subject to this chapter.

**NEW SECTION**

**WAC 173-422-040 NONCOMPLIANCE AREAS.** As based on monitoring data and projections for 1982, the following are designated noncompliance areas for the air contaminants specified:

(1) Carbon monoxide

(a) The following parts of Seattle: the Central Business District, the Rainier Valley Corridor, the University District, and the Fremont District.

(b) The following part of Bellevue: the Central Business District.

(2) Ozone

(a) The Central Puget Sound Basin.

(b) Areas of Clark County as they relate to the Portland, Oregon, metropolitan area of noncompliance.

(3) These areas are as set forth on maps on file with the department.

(a) In relation to the Clark County designation, the area where relevant air quality standards for ozone will probably be exceeded after December 31, 1982, is in fact in Oregon. However, Clark County, Washington, is in a federally designated interstate air quality control region which includes land in both Oregon and Washington. Emissions which originate in Clark County contribute significantly to the noncompliance problem for ozone experienced in Oregon. Emissions to the air do not respect political boundaries. Therefore, in order to comply with federal law, inspections must be conducted in Clark County to reduce Washington State's contribution to a regional problem. State law in Washington explicitly provides that compliance with the Federal Clean Air Act is one of the purposes of the state law.

(b) In relation to Spokane, analysis of monitoring, data, and projections indicate that the Central Business

District of that city may be a noncompliance area for carbon monoxide after December 31, 1982. However, this analysis is based on calculations which do not take into account all various means of emission reduction, other than vehicle inspection, which the city has proposed to implement in the near future. Therefore, no noncompliance area in Spokane is designated at this time. If, on technical analysis, the Spokane program is found to be adequate to achieve carbon monoxide compliance by December 31, 1982, no such noncompliance designation will be made. If the contrary is found, some portion of Spokane will have to be designated a non-compliance area for carbon monoxide. In the meantime, certain zip codes are set forth in this chapter on a standby basis to describe what the emission contributing area in Spokane County would be if a noncompliance area were designated.

**NEW SECTION**

**WAC 173-422-050 EMISSION CONTRIBUTING AREAS.** Emission contributing areas within which the motor vehicle emission inspection program will apply are designated by the following United States Postal Service ZIP codes as of the effective date of this regulation.

(1) Puget Sound Region

98004	98007
98005	98008
98006	98009
98011	98040
98020	98052
98027	98055
98028	98062
98033	98063
98036	98072
98039	98101 thru 98199, inclusive except 98110

(2) Spokane Region. The designations below shall apply only if local programs for reducing motor vehicle related air contaminants by means other than inspection and maintenance are not demonstrated to the satisfaction of the United States Environmental Protection Agency to bring the area hereby designated into compliance with applicable air quality standards by December 31, 1982.

99201	99206
99202	99207
99203	99208
99204	99216
99205	99218

(3) Clark County.

98660	98665
98661	98666
98662	98667
98663	98668
98664	98669

**NEW SECTION**

**WAC 173-422-060 EMISSION STANDARDS.** Motor vehicles subject to this chapter shall meet the following emission standards prior to receiving a certificate of compliance. CO standards apply in emission contributing areas related to noncompliance areas for carbon monoxide. HC standards apply in emission contributing area related to noncompliance areas for ozone.

Light Duty Vehicles (≤8500 lbs. GVW)

STANDARDS

Model Year	CO (%)		HC (ppm)	
	4 Cyl.	>4 Cyl.	4 Cyl.	>4 Cyl.
68-69	8.0	6.0	900	700
70-71	7.0	6.0	600	600
72-74	6.0	5.0	500	400
75 and later (w/o catalytic converter)	4.0	4.0	300	300
75 and later (w catalytic converter)	3.0	3.0	250	250

Heavy Duty Vehicles (>8500 lb. GVW)

STANDARDS

Model Year	CO (%)	HC (ppm)
68-69	7.0	900
70-73	5.0	700
74-78	4.0	500
79 and later	3.0	300

NEW SECTION

WAC 173-422-070 TEST PROCEDURES. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following test procedures. Variations to the procedures specified may be used if approved by the department after receipt of evidence that such changes will not interfere with the validity of the test.

(1) An idle mode test shall be used to measure vehicle exhaust emissions for carbon monoxide, hydrocarbons, and carbon dioxide.

(2) The engine shall be at normal operating temperature during the emission test.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe may be tested either by simultaneous sampling of all tail pipes or sampling each tail pipe and averaging the results.

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the carbon dioxide concentration does not exceed seven percent.

(7) If the engine stalls during the test, the test shall be restarted.

(8) If a vehicle is capable of being operated with either gasoline or gaseous fuels, the vehicle shall be tested using the fuel it is operating on when it enters the testing facility.

(9) If a multiple range analyzer is used, the exhaust analyzer range shall be selected so that the standard for the vehicles being tested is between twenty-five percent and seventy-five percent of full scale, if possible.

(10) The engine shall be accelerated to one-third to one-half throttle (about 2500 rpm), with the transmission in neutral or park, and held there for fifteen seconds. A shorter conditioning time may be used if the

contractor establishes an emission stabilization measurement procedure approved by the department.

(11) The accelerator shall then be released and the engine operated at idle, with the transmission in neutral or park, for ten to twenty seconds. The exhaust emissions averaged over the last five seconds shall then be recorded.

(12) A loaded (dynamometer) test may be used when authorized by the department. However, all requirements of the idle mode test shall be met and idle emission data recorded.

(13) No emission test shall be conducted with any analyzer that is not operating within all required specifications.

NEW SECTION

WAC 173-422-080 VEHICLE INSPECTION DATA HANDLING PROCEDURES. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following data handling procedures.

(1) The comparison of the test results with the state's emission standards shall be automated.

(2) The emission test results, the comparison with the state's emission standards, and certificates of compliance shall be automatically printed.

(3) The required vehicle identification data shall be entered and validated before the emission test is started.

(4) Vehicle identification data flagged as incorrect by the established validation checks shall be corrected before the emission test is started.

(5) The emission test results shall be automatically printed.

(6) All required data shall be automatically printed on the vehicle inspection reports and stored on bulk storage devices.

(7) In the case of data handling equipment problems, the vehicle emission test reports and certificates of compliance may be manually completed, but all the data is required to be included on the bulk storage devices submitted to the department. Penalties for excessive manual operation may be assessed.

NEW SECTION

WAC 173-422-090 EXHAUST ANALYZER SPECIFICATIONS. Only exhaust analyzers meeting the following specifications may be used for certification testing. The department will maintain a list of analyzers that have been certified by the manufacturers as meeting the specifications. The department does not require the use of these analyzers or guarantee the performance of these analyzers. The inspection facility contractor is solely responsible for insuring that the testing equipment is operating within the following specifications.

(1) Accuracy: The readings of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

<u>HC</u> - Measured as n - hexane	
0 to 1000 ppm	±30 ppm
1000 to 2000 ppm	±100 ppm
<u>CO</u>	
0 to 5%	±0.2 %

5 to 10%	±0.5 %
<u>CO<sub>2</sub></u>	
0 to 12%	±1%

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and/or by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed ±20 ppm HC, ±0.1% CO and ±.5% CO<sub>2</sub> in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO<sub>2</sub> in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO<sub>2</sub> in N<sub>2</sub>, 1600 ppm HC in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO<sub>2</sub> reading to change ±0.5%: 1600 ppm HC in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% in O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within ±10 ppm HC, ±.05% CO, and ±0.2% CO<sub>2</sub> during five successive measurements of the same sample.

(7) Response: The response of the exhaust analyzers shall be at least ninety percent of the final value within ten seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be 10 ppm HC, .05% CO and 0.2% CO<sub>2</sub>.

(9) Temperature and humidity operating range: The analyzer shall be capable of meeting all specifications from zero to eighty-five percent relative humidity and 35°F to 110°F temperature.

(10) Range of Measurement: The analyzer shall have a range of 0-2000 ppm HC (n-Hexane), 0 to 10% CO, and 0 to at least 10% CO<sub>2</sub>.

## NEW SECTION

**WAC 173-422-100 TESTING EQUIPMENT MAINTENANCE AND CALIBRATION.** (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The following procedures shall be followed by all testing facilities unless equivalent procedures have been approved by the department. Exhaust analyzers shall be warmed up for at least thirty minutes prior to performing any test or equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the exhaust analyzer readings must be less than 20 ppm HC, 0.1% CO and 0.5% CO<sub>2</sub>. If during a test the sampling system

flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

After each test with a hydrocarbon reading of less than 2000 ppm, the hydrocarbon reading of the exhaust analyzer must return to less than 60 ppm HC within thirty seconds. The carbon monoxide reading must return to less than 0.1% CO within thirty seconds after each test. Tests not meeting this requirement will be invalidated. The analyzer shall not be used for certification testing until the sampling system particulate filter(s) have been replaced and/or other necessary repairs completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

(i) Adjust the exhaust analyzer using the electronic span.

(ii) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(iii) Check the calibration of the exhaust analyzer using a calibration gas of approximately eighty percent of each range.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(v) If adjustments or repairs were performed, check and adjust the electronic span and zero, then check the span point using the calibration gas without further adjustments. The analyzer shall not be used for certification testing unless all readings are within the accuracy limits specified in WAC 173-422-090.

(c) Monthly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last thirty days. The following procedure shall be used:

(i) Adjust the exhaust analyzer using the electronic span.

(ii) Adjust the exhaust analyzer to read zero using zero calibration gas.

(iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.

(v) If adjustments or repairs were performed, check and adjust the electronic span and zero, then check calibration points using the calibration gases without any further adjustments. The analyzer shall not be used for certification testing unless all readings are within the required accuracy limits upon completion of the calibration procedure. If the barometric pressure was not within the range of 1002 to 1023 millibars (29.62 " to 30.21" Hg) corrected to sea level during the calibration procedure the calibration procedure may be repeated when the barometric pressure is within the specified range.

(d) Repair check. A multipoint calibration as specified in WAC 173-422-100(c) shall be performed before the analyzer is used for certification testing following the

replacement of an optical or electronic component that can cause a variation in the analyzer reading.

The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.

#### NEW SECTION

WAC 173-422-110 DATA SYSTEM REQUIREMENTS. The data system shall consist of the following units:

(1) Vehicle identification terminal. The vehicle identification terminal shall have a standard typewriter formatted keyboard with a visual display to verify data entered. The data entered shall be transferred to the programmable processor on command.

(2) Programmable processor. The programmable processor shall perform the following functions:

(a) Accept and validate vehicle and test data required in WAC 173-422-140 from the vehicle identification terminal, exhaust analyzer, or other sources. Indicate on the vehicle identification terminal any data entered that does not meet the validation criteria.

(b) Convert analog emission measurements to digital information for each analyzer range.

(c) Verify that there is no excessive dilution of the exhaust sample by determining the carbon dioxide concentration and provide carbon dioxide output signal to printer and bulk storage device.

(d) Compare test results to the state's emissions standards. The carbon dioxide concentration and emission test results shall be determined by the arithmetic mean of five successive instantaneous readings at one second intervals. For the test results to be recorded the five readings shall not vary more than ten percent of the standard from each other.

(e) Outputs vehicle and test data and established standards for report printout.

(f) Outputs vehicle and test data for storage on bulk storage devices.

(3) Report printer. The report printer shall print the vehicle inspection report and the certificate of compliance. The forms used shall be provided or approved by the department.

(4) Bulk storage devices. All data from the vehicle inspection report and the certificate of compliance shall be written on the bulk storage devices at the same time the printed report(s) are produced.

The data handling system shall be so designed to prevent any data changes on the bulk storage devices that would eliminate or alter the original entry.

Inspection shall be redone if errors result in an incorrect vehicle inspection report.

To insure that the bulk storage devices are compatible with the state's data processing equipment, all bulk storage devices and data handling methods used by the contractor shall be expressly approved by the department.

#### NEW SECTION

WAC 173-422-120 QUALITY ASSURANCE. The department, or its designee, will monitor the operation of each testing station with unannounced, unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

Vehicle inspection reports and fiscal reports submitted by inspection station operators will be checked for completeness and accuracy. The department or its designee shall have the right to audit contractor's and subcontractor's records.

The department (or its designee) may conduct unidentified surveillance.

The department (or its designee) may require that the use of an exhaust analyzer be suspended due to a malfunction or incorrect calibration of the analyzer.

#### NEW SECTION

WAC 173-422-130 INSPECTION FEES. A fee shall be collected for the first emission test on each vehicle applicable to each vehicle license year. If the vehicle fails, one retest will be provided free of charge at any inspection station operated by the contractor who collected the fee, provided that the retest is requested within sixty days of the initial test and other requirements specified in WAC 173-422-140 are met. Any additional retests applicable to the same vehicle license year will require the payment of the same fee charged for the initial test.

The amount of the fee to be charged and the part thereof to be returned to the state will be established by rule, after competitive bidding procedures for the operation of the inspection program have been completed.

Inspection station operators shall forward to the department within ten working days after the end of each month, the amount of fees due to the state for inspections conducted during the month.

The department or its designee shall have the right to audit any inspection station operator's or contractor's records and procedures to substantiate that the operator or contractor is properly collecting and accounting for such fees.

#### NEW SECTION

WAC 173-422-140 INSPECTION FORMS AND CERTIFICATES. All inspection stations shall use inspection forms and certificates provided or approved by the department. Additional diagnostic information may be provided to the vehicle operator. Other materials may be given the vehicle operator only if approved by the department.

(1) Vehicle Inspection Report: The driver of each vehicle tested shall be given a vehicle inspection report on a form to be provided or approved by the department. The inspection station operator shall provide the following information.

(a) Station number (lane number).

(b) Date and time of test(s).

(c) Who conducted the test(s) (name or identification number).

- (d) Vehicle identification number (VIN).
- (e) Odometer reading in thousands of miles.
- (f) Vehicle license number.
- (g) Vehicle model year.
- (h) Make of the vehicle.
- (i) Number of cylinders.
- (j) Whether or not the vehicle was manufactured with a catalytic converter.
- (k) Gross vehicle weight class.
- (l) Emission test results.
- (m) Applicable standards.
- (n) Whether the vehicle has passed or failed the appropriate emission standards.
- (o) Carbon dioxide reading.
- (p) When and who issued a Certificate of Compliance or Acceptance (name or identification number).
- (q) First test or retest.
- (r) All other information required on the form.

(2) Certificate of Compliance: The driver of a vehicle meeting the appropriate emission standards shall be issued a Certificate of Compliance. A vehicle failing the initial test shall be allowed one free retest within sixty days of the initial test, providing the driver presents the initial inspection report with appropriate repair information recorded.

(3) Certificate of Acceptance: If a vehicle has failed to pass the emission test applicable to any vehicle license year, the vehicle owner may request a Certificate of Acceptance. To receive the Certificate of Acceptance, the vehicle owner must provide documentation of repairs completed.

A Certificate of Acceptance may be issued only if costs of repairs and/or parts solely devoted to meeting the emission standards exceeded fifty dollars. Receipts for such repairs and parts must be provided.

(4) Form storage: Copies of each Certificate of Compliance/Acceptance, all vehicle inspection reports, and repairs and/or parts receipts shall be kept on file by the contractor and be available for the department's review for one year after they are issued. This requirement includes forms that are voided for any reason.

(5) Reporting: The inspection station operator shall forward to the department within ten working days after the end of each month (a) an approved storage device containing all data collected from each inspection conducted that month, and (b) a copy of all Certificates of Acceptance and the related vehicle inspection reports issued that month.

Before the storage device is forwarded to the department, a backup bulk storage device shall be in the possession of the contractor. The backup bulk storage device shall be retained for one year and be available to the department upon request.

#### NEW SECTION

WAC 173-422-150 INSPECTION PERSONNEL REQUIREMENTS. (1) Training. All inspection personnel must successfully complete a training course approved by the department.

(2) Inspection personnel identification. Whenever inspection personnel are in contact with the public they shall wear identification tags visible to the motorist.

#### NEW SECTION

WAC 173-422-160 FLEET/DEALER TESTING REQUIREMENTS. Self-inspection of vehicles by a fleet operator or dealer will be authorized by the department if the following requirements are met:

(1) The exhaust analyzers used for certification testing meet the specifications in WAC 173-422-090.

In order to utilize existing equipment as much as possible, the department may allow fleet operators or dealers to use analyzers that do not meet all the specifications of WAC 173-422-090 if the analyzers were purchased prior to the effective date of this regulation.

To qualify for this exception, the fleet operator or dealer must request a waiver for each analyzer, demonstrate to the satisfaction of the department that the analyzer and procedures being used will provide satisfactory emission tests, and obtain approval from the department prior to using the analyzer for certification testing.

(2) At least one mechanic is certified as having successfully completed emission training courses approved by the department.

(3) The fleet operator or dealer agrees to comply with all provisions of this chapter except WAC 173-422-080, 173-422-110, 173-422-130, 173-422-140(5), and 173-422-150. Fleet vehicles may be inspected anytime between their scheduled license renewals. Fleet vehicles registered to firms within the emission contributing areas, but garaged and normally operated outside the emission contributing areas, will not have to be tested. Statements to this effect shall be submitted to the department of licensing and copies retained for department of ecology audit.

(4) Each fleet operator and dealer shall forward to the department within ten working days after the end of each month, an amount to be established by rule for each certificate of compliance or acceptance issued. This fee shall be uniform statewide and shall approximate the amount to be returned by the contractor(s) as provided under WAC 173-422-130.

#### NEW SECTION

WAC 173-422-170 EXEMPTIONS. The following motor vehicles are exempt from the inspection requirement: (1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year when subtracted from the calendar year equals or exceeds fourteen.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motorcycles.

(6) Motor vehicles powered by diesel engines.

(7) Farm vehicles.

(8) Vehicles exempted from licensing pursuant to RCW 46.16.010.

**NEW SECTION**

**WAC 173-422-180. AIR QUALITY STANDARDS.** The air quality standards set forth in chapter 173-415 WAC are the air quality standards applicable to the establishment of noncompliance areas pursuant to this chapter.

**WSR 80-03-099**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 80-3—Filed March 5, 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 Lead, identical to 1910.1025 OSHA, WAC 296-62-07349.

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 to prevent material impairment of health or functional capacity to employees exposed to lead in the work environment. Adopting this emergency rule will keep WISHA as effective as OSHA.

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

This rule is promulgated pursuant to RCW 49.17.450[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 March 5, 1980.

By James T. Hughes  
 Director

**NEW SECTION**

**WAC 296-62-07349 LEAD.** (1) *Scope and Application.* (a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry as defined or to agricultural operations covered by Chapter 296-306 WAC.

(2) *Definitions as applicable to this part.*

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter of air ( $30 \mu\text{g}/\text{m}^3$ ) averaged over an 8-hour period.

(b) "Director" - the director of the Department of Labor and Industries.

(c) "Lead" Metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) *Permissible exposure limit (PEL).* (a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ( $50 \mu\text{g}/\text{m}^3$ ) averaged over an 8-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

Maximum permissible limit (in  $\mu\text{g}/\text{m}^3$ ) =  $400 \div$   
 hours worked in the day.

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) *Exposure Monitoring.* (a) *General.* (i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) *Initial determination.* Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) *Basis of initial determination.* (i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.



(d) **Positive initial determination and initial monitoring.**

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding 12 months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) **Negative initial determination.** Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) **Frequency.** (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) **Additional monitoring.** Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) **Employee notification.** (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer

shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) **Accuracy of measurement.** The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of 95 percent) of not less than plus or minus 20 percent for airborne concentrations of lead equal to or greater than 30  $\mu\text{g}/\text{m}^3$ .

(5) **Method of Compliance.** (a) **Engineering and work practice controls.** The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I  
IMPLEMENTATION SCHEDULE

Industry <sup>1</sup>	Compliance Dates <sup>2</sup>		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production . . . . .	(3)	3	10
Secondary lead production . . . . .	(3)	3	5
Lead-acid battery manufacturing . . . . .	(3)	2	5
Nonferrous foundries . . . . .	(3)	1	5
Lead pigment manufacturing . . . . .	(3)	3	5
All other industries . . . . .	(3)	Not	1
		Applicable	

<sup>1</sup> Includes ancilliary activities located on the same worksite.

<sup>2</sup> Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an 8-hour TWA, must be achieved.

<sup>3</sup> On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section.

(b) **Respiratory protection.** Where engineering and work practice controls do not reduce employee exposure to or below the 50  $\mu\text{g}/\text{m}^3$  permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) **Compliance program.** (i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;



(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the work-site for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100  $\mu\text{g}/\text{m}^3$  interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation. (i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory Protection. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

Airborne Concentration of Lead or Condition of Use	Required Respirator <sup>1</sup>
Not in excess of 0.5 $\text{mg}/\text{m}^3$ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. <sup>2,3</sup>
Not in excess of 2.5 $\text{mg}/\text{m}^3$ (50 X PEL).	Full facepiece, air-purifying respirator with high efficiency filters <sup>3</sup> .
Not in excess of 50 $\text{mg}/\text{m}^3$ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters <sup>3</sup> ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. <sup>2</sup>
Not in excess of 100 $\text{mg}/\text{m}^3$ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 $\text{mg}/\text{m}^3$ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

<sup>1</sup> Respirators specified for high concentrations can be used at lower concentrations of lead.

<sup>2</sup> Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

<sup>3</sup> A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume,

and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage. (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective Work Clothing and Equipment. (a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over  $200 \mu\text{g}/\text{m}^3$  of lead as an 8-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

**CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.**

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping. (a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors. (i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene Facilities and Practices. (a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) - (9)(d) of this section.

(b) Change rooms. (i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers. (i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) **Lunchrooms.** (i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) **Lavatories.** The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) **Medical Surveillance.** (a) **General.** (i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than 30 days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) **Biological monitoring.** (i) **Blood lead and ZPP level sampling and analysis.** The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40  $\mu\text{g}/100\text{ g}$  of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40  $\mu\text{g}/100\text{ g}$  of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) **Follow-up blood sampling tests.** Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) **Accuracy of blood lead level sampling and analysis.** Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of 95 percent) within plus or minus 15 percent or 6  $\mu\text{g}/100\text{ ml}$ , whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of

Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) **Employee notification.** Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40  $\mu\text{g}/100\text{ g}$ : (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) **Medical examinations and consultations.** (i) **Frequency.** The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40  $\mu\text{g}/100\text{ g}$ ;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) **Content.** Medical examinations made available pursuant to subitems (10)(c)(i)(A)-(B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C)-(D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism. (A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all Appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions. (A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation. (i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical Removal Protection. (a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 100  $\mu\text{g}/\text{m}^3$  on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section

indicate that the employee's blood lead level is at or above 80  $\mu\text{g}/100\text{ g}$  of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 50  $\mu\text{g}/\text{m}^3$  on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 70  $\mu\text{g}/100\text{ g}$  of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60  $\mu\text{g}/100\text{ g}$  of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50  $\mu\text{g}/100\text{ g}$  of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40  $\mu\text{g}/100\text{ g}$  of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status. (A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above 80  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60  $\mu\text{g}/100\text{ g}$  of whole blood;

(bb) For an employee removed due to a blood lead level at or above 70  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50  $\mu\text{g}/100\text{ g}$  of whole blood;

(cc) For an employee removed due to a blood lead level at or above 60  $\mu\text{g}/100\text{ g}$ , or due to an average blood lead level at or above 50  $\mu\text{g}/100\text{ g}$ , when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40  $\mu\text{g}/100\text{ g}$  of whole blood;

(dd) For an employee removed due a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding 18 months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits. (i) Provision of medical removal protection benefits. The employer shall provide to an employee up to 18 months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) *Definition of medical removal protection benefits.* For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) *Follow-up medical surveillance during the period of employee removal or limitation.* During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) *Workers' compensation claims.* If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) *Other credits.* The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) *Employees whose blood lead levels do not adequately decline within 18 months of removal.* The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past 18 months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what

would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) *Voluntary removal or restriction of an employee.* Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) *Employee Information and Training.* (a) *Training program.*

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by 180 days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) *Access to information and training materials.* (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to that Act,



and this lead standard, which are made available to the employer by the director.

(13) Signs. (a) General. (i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs. (i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING  
LEAD WORK AREA  
POISON  
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(c) Medical removals. (i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(15) Observation of Monitoring. (a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) *Observation procedures.* (i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) *Effective Date.* This Emergency Rule shall become effective upon filing with the Code Reviser.

(17) *Appendices.* The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(18) *Startup Dates.* All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than 30 days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than 90 days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than 180 days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than 180 days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose 8-hour TWA exposure exceeds  $200 \mu\text{g}/\text{m}^3$  - on the effective date.

(ii) Employees whose 8-hour TWA exposure exceeds the PEL but is less than  $200 \mu\text{g}/\text{m}^3$  - 150 days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - 210 days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date for the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective 150 days from the effective date.

**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 80-04-001

#### PROPOSED RULES

#### DEPARTMENT OF NATURAL RESOURCES

#### (Board of Natural Resources)

[Filed March 6, 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 the the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, March 25, 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.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071, 79-11-137, 80-02-015 and 80-03-002 filed with the code reviser's office on September 19, 1979, November 7, 1979, January 8, 1980 and February 8, 1980.

Dated: March 5, 1980

By: Bert L. Cole

Commissioner of Public Lands

Secretary, Board of Natural Resources

#### WSR 80-04-002

#### NOTICE OF PUBLIC MEETINGS

#### POLLUTION CONTROL HEARINGS BOARD

#### SHORELINES HEARINGS BOARD

[Memorandum, Exec. Officer—March 5, 1980]

Shown below is a schedule of the time and place of the regular meetings of the Pollution Control Hearings Board and the Shorelines Hearings Board, commencing with April 1980.



The Shoreline Hearings Board will meet on the 4th Wednesday of each month, at 10 a.m. in the hearing room of the Environmental Hearings Office, 405 Golf Club Road, Building No. 2, Row 6, Lacey, Washington.

The Pollution Control Hearings Board will meet on the first Tuesday of each month at 10 a.m. at the same place.

**WSR 80-04-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Order 338—Filed March 7, 1980]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule extending winter burning rules until April 15, 1980 in Western Washington only.

I, Bert L. Cole, 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 extending winter burning rules until April 15, 1980 in Western Washington only, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 7, 1980.

By Bert L. Cole  
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 169, filed 8/7/73)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL - REQUIREMENTS - FAILURE TO COMPLY:

(1) *The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.*

(2) *A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.*

(3) *A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period ~~(March 15)~~ April 15 October 15 in*

*Western Washington and April 15 through June 30 in Eastern Washington.*

(4) *No fires are to be within fifty (50) feet of structures.*

(5) *For the period ~~(March 15)~~ April 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and (3) feet in height.*

(6) *For the period October 16 through ~~(March 15)~~ April 14 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.*

(7) *Only one pile at a time may be burned and each pile must be extinguished before lighting another.*

(8) *The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fire.*

(9) *Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials such as dry leaves and clippings, is prohibited.*

(10) *If the fire creates a nuisance from smoke or fly ash, it must be extinguished.*

(11) *Persons not able to meet the requirements (1-10) must apply for a written burning permit through the Area office of the State of Washington, Department of Natural Resources.*

*A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.*

*Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.*

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 80-04-004**  
**PROPOSED RULES**  
**STATE TOXICOLOGIST**  
 [Filed March 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.61.506, that the Washington State Toxicologist intends to adopt, amend, or repeal rules concerning administration of breathalyzer test, chapter 448-12 WAC;

that such agency will at 1:30 p.m., Tuesday, May 6, 1980, in the Medical Examiners Conference Room, Harborview Medical Center, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, May 6, 1980, in the Medical Examiners Conference Room, Harborview Medical Center, Seattle, Washington.

The authority under which these rules are proposed is RCW 46.61.506.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1980, and/or orally at 1:30 p.m., Tuesday, May 6, 1980, Medical Examiners Conference Room, Harborview Medical Center, Seattle, Washington.

Dated: March 7, 1980  
By: Trooper R. G. Gullberg  
For: Dr. Vidmantas A. Raisys  
State Toxicologist

Chapter 448-12 WAC  
Administration of Breathalyzer Test

AMENDATORY SECTION (Amending Order 4, filed 7/9/70)

WAC 448-12-015 CHECKING OF BREATHALYZER MACHINES. At least once every three months a maintenance operator must check and calibrate a Breathalyzer machine. In making that check the maintenance operator must follow all of the steps (~~provided for in WAC 448-12-020~~) authorized by the state toxicologist for checking and certifying Breathalyzer machines. A record must be kept with the machine and the maintenance operator must record the date of test, control number of the ampoule used, and whether the machine is or is not in proper working order.

If the machine tested is in proper working order, then all ampoules bearing the same specific control number as the ampoule used in the test are suitable for use in the machine.

AMENDATORY SECTION (Amending Order 5, filed 10/19/72)

WAC 448-12-020 ADMINISTRATION OF BREATHALYZER TEST. Pursuant to RCW 46.61.506 the state toxicologist approves the following method for performing the Breathalyzer test. Prior to the administration of a Breathalyzer test it must be determined (a) that the subject has had nothing to eat or drink for at least fifteen minutes prior to the administration of the test, and (b) that the subject does not have any foreign substances (~~in his mouth at the time of the test, which shall be determined by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth~~), not to include dental work fixed or removable, in his mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth.

In conducting a chemical test of breath for intoxication by the use of a Breathalyzer the following steps must be taken:

- (1) Warm up machine until thermometer indicates (~~45°-50°C~~) 47° - 53°C.
- (2) (~~Center Null Meter by adjusting the black knob or slotted adjustment screw on the top of the meter~~) See that Null Meter is centered.
- (3) See that comparison ampoule is in place in left-hand holder.
- (4) Gauge test ampoule and record test ampoule control number.
- (5) Insert and connect test ampoule.
- (6) Turn selector to "TAKE", flush out, and turn selector to "ANALYZE".
- (7) When "EMPTY" light comes on, wait one and one-half minutes. Then center Meter using (~~white knob or balance wheel~~) the balance wheel or knob with light on and selector in "ANALYZE" position.
- (8) Align scale pointer with start line.
- (9) Turn selector to "TAKE", take sample, and turn selector to "ANALYZE". Record time sample was taken.
- (10) When "EMPTY" light comes on, wait (~~(+1/2)~~) one and one-half minutes. Then center Meter using (~~white knob or balance wheel~~) the balance wheel or knob with light on and selector in "ANALYZE" position.
- (11) Read answer on scale and record reading. This reading indicates the percent by weight of alcohol in the person's blood, which means the percent on a weight to volume basis.

AMENDATORY SECTION (Amending Order 2, filed 1/31/69)

WAC 448-12-090 ADDRESS FOR CORRESPONDENCE. Individuals seeking certification in accordance with these rules or approval of equipment to administer the Breathalyzer test shall direct their requests to the State Toxicologist, (~~Department of Pharmacology, School of Medicine, University of Washington, Seattle, Washington 98105~~) Department of Laboratory Medicine, Harborview Medical Center, Seattle, Washington 98104.

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, filed 10/19/72)

WAC 448-12-100 NAMES OF INSTRUCTORS. (~~Pursuant to WAC 448-12-030 the state toxicologist has certified the following competent people as instructors: Thomas W. Airhart, Robert J. Allen, Chas. E. Bleisner, Robert O. Brady, Edw. T. Crawford, Philip F. Gruse, Harold Cusic, Lloyd Danielson, Steven R. Englehorn, Robert L. Erhart, Harold Fogus, Kenneth Graves, Wayne A. Hendren, Herbert E. Howc, Robert W. Landon, Dr. Ted A. Loomis, Russell W. Lybecker, David R. Moore, Jerold E. Oien, Arthur J. Parke, Clyde G. Pugh, Sidney J. Reed, Richard D. Reith, Francis L. Roester, Fred Schenck, Calvin D. Smith, Marvin E. Snyder, William Tanner, Eugene A. Thompson, Allan W. Trochim, Donald A. Turner, Ian Wallace, Ronald Warren, George O. Welnes, Alvinc R. Weitz, De Witt Whitman, Donald C. Whitman. The above list are those people who had been certified as instructors prior to October, 1972. The names of any instructors who may be certified after the adoption of this rule can be obtained from the state toxicologist at the address set forth in WAC 448-12-090~~) Pursuant to WAC 448-12-030 the state toxicologist will maintain a list of persons certified as Breathalyzer instructors. These names will be made available to interested parties upon request to the state toxicologist at the address set forth in WAC 448-12-090.

WSR 80-04-005  
EMERGENCY RULES  
STATE TOXICOLOGIST  
(Order 80-01—Filed March 7, 1980)

I, Dr. Vidmantas A. Raisys, director of Washington State Toxicologist, do promulgate and adopt at Medical Examiners Conference Room, Harborview Medical Center, Seattle, Washington, the annexed rules relating to administration of breathalyzer test, chapter 448-12 WAC.

I, Dr. Vidmantas A. Raisys, 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 existing WAC rules relating to administration of breathalyzer test were written to apply to breathalyzer machines requiring a temperature of 45-50°C. The existing machines require a temperature of 47-53°C in addition to other changes. Court cases for the prosecution of DWI are presently being jeopardized by these discrepancies. To prevent further problems in court, it is important that these rules be adopted 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 46.61.506 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 March 7, 1980.

By Trooper R. G. Gullberg  
For Dr. Vidmantas A. Raisys  
State Toxicologist

Chapter 448-12 WAC  
Administration of Breathalyzer Test

AMENDATORY SECTION (Amending Order 4, filed 7/9/70)

WAC 448-12-015 CHECKING OF BREATHALYZER MACHINES. At least once every three months a maintenance operator must check and calibrate a Breathalyzer machine. In making that check the maintenance operator must follow all of the steps (~~provided for in WAC 448-12-020~~) authorized by the state toxicologist for checking and certifying Breathalyzer machines. A record must be kept with the machine and the maintenance operator must record the date of test, control number of the ampoule used, and whether the machine is or is not in proper working order.

If the machine tested is in proper working order, then all ampoules bearing the same specific control number as the ampoule used in the test are suitable for use in the machine.

AMENDATORY SECTION (Amending Order 5, filed 10/19/72)

WAC 448-12-020 ADMINISTRATION OF BREATHALYZER TEST. Pursuant to RCW 46.61.506 the state toxicologist approves the following method for performing the Breathalyzer test. Prior to the administration of a Breathalyzer test it must be determined (a) that the subject has had nothing to eat or drink for at least fifteen minutes prior to the administration of the test, and (b) that the subject does not have any foreign substances (~~in his mouth at the time of the test, which shall be determined by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth~~), not to include dental work fixed or removable, in his mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth.

In conducting a chemical test of breath for intoxication by the use of a Breathalyzer the following steps must be taken:

(1) Warm up machine until thermometer indicates (~~45°-50°C~~) 47° - 53°C.

(2) (~~Center Null Meter by adjusting the black knob or slotted adjustment screw on the top of the meter.~~) See that Null Meter is centered.

(3) See that comparison ampoule is in place in left-hand holder.

(4) Gauge test ampoule and record test ampoule control number.

(5) Insert and connect test ampoule.

(6) Turn selector to "TAKE", flush out, and turn selector to "ANALYZE".

(7) When "EMPTY" light comes on, wait one and one-half minutes. Then center Meter using (~~white knob or balance wheel~~) the balance wheel or knob with light on and selector in "ANALYZE" position.

(8) Align scale pointer with start line.

(9) Turn selector to "TAKE", take sample, and turn selector to "ANALYZE". Record time sample was taken.

(10) When "EMPTY" light comes on, wait (~~1+1/2~~) one and one-half minutes. Then center Meter using (~~white knob or balance wheel~~) the balance wheel or knob with light on(;) and selector in "ANALYZE" position.

(11) Read answer on scale and record reading. This reading indicates the percent by weight of alcohol in the person's blood, which means the percent on a weight to volume basis.

AMENDATORY SECTION (Amending Order 2, filed 1/31/69)

WAC 448-12-090 ADDRESS FOR CORRESPONDENCE. Individuals seeking certification in accordance with these rules or approval of equipment to administer the Breathalyzer test shall direct their requests to the State Toxicologist, (~~Department of Pharmacology, School of Medicine, University of Washington, Seattle, Washington 98105~~) Department of Laboratory Medicine, Harborview Medical Center, Seattle, Washington 98104.

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, filed 10/19/72)

WAC 448-12-100 NAMES OF INSTRUCTORS. (~~Pursuant to WAC 448-12-030 the state toxicologist has certified the following competent people as instructors: Thomas W. Airhart, Robert J. Allen, Chas. E. Bleisner, Robert O. Brady, Edw. T. Crawford, Philip F. Cruse, Harold Cusic, Lloyd Danielson, Steven R. Englehorn, Robert L. Erhart, Harold Fogus, Kenneth Graves, Wayne A. Hendren, Herbert E. Howe, Robert W. Landon, Dr. Ted A. Loomis, Russell W. Lybecker, David R. Moore, Jerold E. Oien, Arthur J. Parke, Clyde G. Pugh, Sidney J. Reed, Richard D. Reith, Francis L. Roesler, Fred Schenck, Calvin D. Smith, Marvin E. Snyder, William Tanner, Eugene A. Thompson, Allan W. Trochim, Donald A. Turner, Ian Wallace, Ronald Warren, George O. Wehnes, Alvenc R. Weitz, De Witt Whitman, Donald C. Whitman. The above list are those~~

~~people who had been certified as instructors prior to October, 1972. The names of any instructors who may be certified after the adoption of this rule can be obtained from the state toxicologist at the address set forth in WAC 448-12-090.)) Pursuant to WAC 448-12-030 the state toxicologist will maintain a list of persons certified as Breathalyzer instructors. These names will be made available to interested parties upon request to the state toxicologist at the address set forth in WAC 448-12-090.~~

**WSR 80-04-006**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1492—Filed March 7, 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 food assistance programs, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 80-01-101 filed with the code reviser on 1/2/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 20, 1980.

By N. S. Hammond  
 Executive Assistant

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.

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) Education 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 school 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, and 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 ~~((of))~~ or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant which must be used for educational purposes regardless of the fact that the grantee must perform services to obtain the grant.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit:

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.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ~~\$(70))~~ 75 per household per month.

(2) An earned income deduction of 20 percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed \$90. The dependent care deduction in combination with the shelter deduction shall not exceed \$90.

(4) Shelter costs in excess of 50 percent of the household's income after the above deductions. The shelter deductions alone or in combination with the dependent care deduction, shall not exceed \$90.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal and basic service fee for one telephone (plus tax) and initial installation fees for utility services. One time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:

(i) The household intends to return to the house;

(ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes;

(iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone and shall be effective November 1, 1979.

Persons in Household	Food Stamp Utility Standards	
	November 1, 1979 thru April 30, 1980	May 1, 1980 thru October 31, 1980
1	\$98.00	\$62.00
2	105.00	66.00
3	113.00	69.00
4	121.00	72.00
5	127.00	77.00
6	135.00	81.00
7	141.00	85.00
8	145.00	87.00
9	153.00	90.00
10 or more	159.00	95.00

(e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.

(ii) A household shall be allowed to switch to or from the standard during its certification period.

(h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.

(5) Households which contain one or more members who are sixty years of age or older, receive supplemental security income (SSI), or receive social security disability payments under Title II of the Social Security Act shall be authorized, effective January 1, 1980:

(a) A dependent care deduction up to \$90 as specified in WAC 388-54-740(3) and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is sixty years of age or older, receives supplemental security income (SSI), receives social security disability, or has received emergency SSI from the social security administration shall be authorized effective January 1, 1980, a deduction for unreimbursable monthly medical expenses over \$35.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend down expenses incurred by medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the

household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eye glasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump sum settlements or which continue mortgage or loan payments while the beneficiary is disabled;

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 1423, filed 8/15/79)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS. (1) The maximum allowable income standards for determining eligibility for all households are as follows:

Household Size	Maximum Allowable Monthly Income Standards 48 States and D.C.
1	\$ 306
2	403
3	500
4	596
5	693
6	790
7	886
8	983
Each additional member	+97

(2) To determine the benefit households shall receive:

(a) Subtract 30 percent of the household's net monthly income from the thrifty food plan for that household size.

Household Size	Thrifty Food Plan Amounts
1	\$ <del>((6+))</del> 63
2	<del>((+2))</del> 115
3	<del>((+6))</del> 165
4	<del>((20+))</del> 209
5	<del>((24+))</del> 248
6	<del>((29+))</del> 298

Household Size	Thrifty Food Plan Amounts
7	<del>((321))</del> 329
8	<del>((367))</del> 376
Each additional member	<del>((+46))</del> +47

(b) All one and two person households shall receive a minimum monthly allotment of \$10.00.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS.** (1) Whenever a household receives fewer benefits than it is entitled to receive as a result of error by the department, the department shall restore those benefits which were lost within 12 months of:

(a) The month the department was notified by the household or by another person or agency in writing or orally of the possible loss(-);

(b) The month the department discovers that a loss to a specific household has occurred;

(c) The date the household requested a fair hearing to contest the adverse action which resulted in the loss.

(2) Benefits shall be restored even if the household is currently ineligible.

(3) The 12-month limitation does not apply to benefits which are to be restored (~~((as a result of a reversal of a fraud disqualification penalty))~~) when:

(a) A fraud disqualification penalty is reversed;

(b) Amounts deducted from SSI benefits to repay SSI overpayments, since January 1976, were counted as food stamp income (households may apply for this benefit until 5-1-80);

(c) The household, previously determined by the department to be entitled to benefits as a result of the household winning a fair hearing or an error being made in determining the household's eligibility, was denied restoration of benefits because the household was not currently participating.

(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.

(5) If the department determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within 90 days of the date the household is notified of its entitlement to restoration of lost benefits, as specified in WAC 388-54-805(3)(c). Households previously notified they were due benefits but who could not receive them because they were not currently participating may request a fair hearing ninety days from the date the CSO makes a decision on the request to restore benefits.

(a) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

(b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision.

(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has 90 days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than 12 months prior to the date the department was initially informed of the household's possible entitlement shall not be restored unless the household was previously notified they were due benefits but could not receive them because they were not currently participating. In these cases, the twelve-month limitation does not apply.

(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.

(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the bonus stamps the household received and the correct amount the household should have received.

(9) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, it shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

(10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.

(11) Households described in WAC 388-54-805(3)(c) shall provide the CSO with a copy of the notice they received if it was within the past three years. If it has been more than three years, the household may complete an affidavit stating they received notice that they were due an amount of stamps or were overcharged for the stamps they received. The affidavit shall also include an explanation by the household of their entitlement. The affidavit is not necessary if the amount due can be verified through case records or accounts payable ledgers.



AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD. (1) A claim shall be established against any household that has received more benefits than it was entitled to receive if less than 12 months have elapsed between the month a nonfraud overissuance occurred and the month the department discovered it.

(2) Nonfraud claims shall not be established against a household:

(a) That has transacted an expired ATP unless the household has altered the ATP.

(b) That failed to sign the application form, completed a current work registration form, was certified in the incorrect project area, or received food stamp benefits after its certification period had expired, as a result of department oversights.

(c) That did not receive food stamp benefits at a reduced level because its public assistance grant changed and the department failed to act.

(3) A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report according to WAC 388-54-770(1).

(4) In calculating the amount of the nonfraud claim, the department shall determine the correct amount of food stamp benefits the household should have received after excluding those months that are more than 12 months prior to the date the overissuance was discovered. In cases involving reported changes, the department shall determine the month the overissuance initially occurred as follows:

(a) If the household failed to report a change within 10 days of the date the change became known to the household due to misunderstandings or inadvertent error, the first month affected by the household's failure to report shall be the first of the following month the change occurred.

(b) If the household timely reported a change, but the department did not timely act on the change, the first month affected by the department's failure to act shall be the first month the department should have made the change effective.

(5) After calculating the amount of the nonfraud claim, the department shall offset the amount of the claim against any amounts which have not yet been restored to the household pursuant to WAC 388-54-805.

(6) The department shall initiate collection action on all nonfraud claims unless the claim is collected through offset or one of the following conditions apply:

(a) The total amount of the nonfraud claim is less than \$35.00.

(b) The department has documentation which shows that the household cannot be located.

(c) The department shall initiate collection action by sending the household a written demand letter which informs the household:

- (i) The amount owed and the reason for the claim;
- (ii) The period of time the claim covers;

(iii) Any offsetting that was done to reduce the claim and how the household may pay the claim;

(iv) The household's right to a fair hearing;

(v) The statement which specifies that if a household is delinquent in repayment or is unable to pay the claim, the household's eligibility or level of benefits will not be affected.

(d) If the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household has responded by paying or agreeing to pay the claim or until criteria for suspending or terminating collection action have been met.

(7) Collection of a nonfraud claim shall be suspended when:

(a) The household is financially unable to pay((-));

(b) There is a little likelihood that the household will pay the claim((-));

(c) The household cannot be located; or((-);)

(d) The cost of further collection action is likely to exceed the amount that can be recovered.

(8) The department shall terminate collection action if the claim has been held in suspense for three years.

**WSR 80-04-007**

**PROPOSED RULES**

**OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

[Filed March 7, 1980]

Notice is hereby given in accordance with the provisions or 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., Friday, May 16, 1980, in the Davenport Hotel, West 807 Sprague, Spokane, WA.

The authority under which these rules are proposed is chapter 42.17 RCW, RCW 43.51A.120(2) and (6), 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 May 16, 1980.

Dated: February 26, 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—Nominations Proposed By Non-Professional Public.
25-12-050	Procedures—Nominations Proposed By The Professional Public.
25-12-060	Procedures.
25-12-070	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 43.51A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) Professional Public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the State and National Registers of Historic Places. The professional public is further identified in WAC 25-12-050(2).

(7) Non-Professional Public. The non-professional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2).

**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.

**NEW SECTION**

**WAC 25-12-040 PROCEDURES—NOMINATIONS PROPOSED BY NON-PROFESSIONAL PUBLIC.** (1) Individuals expressing an interest in promoting the nomination of a property shall first receive a survey-inventory form. The form, when returned to the SHPO with a recent photograph, will be the basis for further action.

(2) If the SHPO determines that the property may 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 SHPO for review and evaluation.

(3) The SHPO shall alert the proponent to any assistance that may be available to the proponent to complete the nomination in a manner consistent with the provisions of WAC 25-12-060(3). Such alert may include the direct involvement of the Office in the preparation of the nomination or referrals to professionals.

(4) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

**NEW SECTION**

**WAC 25-12-050 PROCEDURES—NOMINATIONS PROPOSED BY THE PROFESSIONAL PUBLIC.** (1) Members of the professional public may submit completed nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of

the nomination is encouraged to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of the professional public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3). Inclusion on the list shall be limited to those individuals, governmental agencies, or private businesses that have demonstrated and ability to prepare nominations consistent with WAC 25-12-060(3).

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

**NEW SECTION**

**WAC 25-12-060 PROCEDURES.** The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) The SHPO 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. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the Council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO 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.

(4) The SHPO 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.

(5) 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.

(6) Federally affected 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.

(7) Following Council review, the Council will transmit its recommendations to the SHPO. When the Council has reviewed and approved a procedurally correct nomination and has forwarded 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 within the discretion of the SHPO. All Council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the Council of this action at its next regularly scheduled meeting.

(8) The SHPO shall act upon all nominations reviewed by the Council prior to its next regularly scheduled meeting, and shall report those actions to the Council at that meeting.

**NEW SECTION**

**WAC 25-12-070 PUBLIC RECORDS AVAILABLE.** All public records of the Council, as defined in WAC 25-18-020, are available for public inspection any 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 80-04-008****ADOPTED RULES****COMMERCE AND ECONOMIC DEVELOPMENT**

[Order 80-1—Filed March 7, 1980]

I, Robert C. Anderson, director of Department of Commerce and Economic Development, do promulgate and adopt at Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504

the annexed rules relating to consolidated licensing services for grocery businesses, adopted pursuant to the Business Coordination Act, chapter 68, Laws of 1975-76, 2nd ex. sess., the same being chapter 130-12 WAC.

This action is taken pursuant to Notice No. 7885 filed with the code reviser on 11/22/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.31-.870-910 and 19.02.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 14, 1977.

Robert C. Anderson  
Director

### REPEALER

The Department of Commerce and Economic Development hereby repeals all of Chapter 130-12 WAC.

WAC 130-12-010	Declaration of purpose.
WAC 130-12-020	Definitions.
WAC 130-12-030	Licenses which may be included on the master license.
WAC 130-12-040	Businesses covered.
WAC 130-12-045	Qualified applicants.
WAC 130-12-050	Participation.
WAC 130-12-060	Authority to prepare forms.
WAC 130-12-110	New application procedures.
WAC 130-12-120	Number assignments and changes in business.
WAC 130-12-125	Notification of changes.
WAC 130-12-130	Issuance of temporary license.
WAC 130-12-140	Notification to administering agencies.
WAC 130-12-150	Automatic license approvals.
WAC 130-12-160	Agency approval of application.
WAC 130-12-170	Exceptions to agency approval provisions.
WAC 130-12-180	Agency denial of application.
WAC 130-12-210	Assignment of renewal schedules.
WAC 130-12-220	Verification of license status.
WAC 130-12-230	Automatic renewal of licenses.
WAC 130-12-240	Renewal notices.
WAC 130-12-250	Renewal procedures.
WAC 130-12-310	Handling of fees.
WAC 130-12-320	Application withdrawal.
WAC 130-12-330	Master license fee.
WAC 130-12-340	Fee requirements.
WAC 130-12-350	Prorating of fees.
WAC 130-12-360	Late filing procedures.
WAC 130-12-410	Issuing of master license.
WAC 130-12-510	Supplemental applications.
WAC 130-12-520	Revoking of licenses.
WAC 130-12-530	Individual license voiding procedures.

WAC 130-12-610	Posting.
WAC 130-12-620	Transferability.
WAC 130-12-630	Misuse of master license.
WAC 130-12-640	Loss of master license.
WAC 130-12-710	Coordination of inspections.
WAC 130-12-720	Training of inspectors.
WAC 130-12-730	Inspection log sheets.

### **WSR 80-04-009**

#### **ADOPTED RULES**

#### **COMMUNITY COLLEGE DISTRICT 12**

[Resolution 80-9—Filed March 7, 1980]

Be it resolved by the board of trustees, of Community College District 12, acting at Centralia College, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to students rights and responsibilities, amending chapters 132L-20, 132L-22 and 132L-24 WAC; repealing WAC 132L-520-010 through 132L-520-170, 132L-522-010 through 132L-522-080 and 132L-524-010 through 132L-524-090.

This action is taken pursuant to Notice No. WSR 80-01-055 filed with the code reviser on 12/19/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Community College District 12 as authorized in chapters 28B.50 and 28B.10 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 February 14, 1980.

By Nels W. Hanson  
District President

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-010 PREAMBLE. Centralia College ((is)) and Olympia Technical Community College are dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Centralia College and Olympia Technical Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college community are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Centralia College and Olympia Technical Community College expect~~(s)~~ that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff of Centralia College and Olympia Technical Community College are committed.

#### AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-020 DEFINITIONS. As used in this Code of Student Rights and Responsibilities the following words and phrases shall mean:

(1) "ASCC (~~(Student)~~) or ASOTCC Senate" means the representative governing body for students at Centralia College or Olympia Technical Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) "Board" means the board of trustees of Community College District 12, state of Washington.

(4) "Campus president" means the duly appointed chief executive officer of Centralia College or Olympia Technical Community College, Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Centralia College or Olympia Technical Community College located within Community College District 12, state of Washington.

(~~(5)~~) (6) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(~~(6)~~) (7) "College personnel" refers to any person employed by Community College District 12 on a full-time or part-time basis, except those who are faculty members.

(~~(7)~~) (8) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the dean of students, the student hearing committee, (~~(executive dean)~~) campus president/district president, or the board of trustees for the violation of any of the provisions of the Code of Student Rights and Responsibilities for which such sanctions may be imposed.

(a) The (~~(executive dean)~~) campus president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The district president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

(~~(8)~~) (9) "District" means Community College District 12, state of Washington.

(~~(9)~~) (10) "District president" means the duly appointed chief executive officer of Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

(~~(10)~~) "Executive Dean" means the duly appointed chief executive officer of Centralia College, Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.)

(11) "Faculty member(s)" means any employee of Centralia College or Olympia Technical Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(12) "Recognized student organization" means and includes any group or organization composed of students which is formally recognized by the student government of the college.

(13) A "sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(14) "Student", unless otherwise qualified, means and includes any person who is enrolled for classes or formally in the process of applying for admission to the college.

#### AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-040 AUTHORITY TO PROHIBIT TRESPASS. (1) The (~~(executive dean)~~) campus president is authorized in the instance of any event that the (~~(executive dean)~~) campus president deems impedes the movement of persons or vehicles or which the (~~(executive dean)~~) campus president deems to disrupt or

threatens to disrupt the ingress and/or egress of persons from college facilities, and the ((~~executive dean~~)) campus president acting through the dean of students, or such other designated person shall have authority and power to:

(a) Prohibit the entry of, withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the ((~~executive dean~~)) campus president or designee pursuant to the requirements of subsection (1) of this rule shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-050 RIGHT TO DEMAND IDENTIFICATION. (1) For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the ((~~executive dean~~)) campus president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

(2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-060 FREEDOM OF ACCESS TO HIGHER EDUCATION. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. ((~~Centralia~~)) The college shall maintain an open-door policy, to the end that no students will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of ((~~Centralia~~)) the college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-070 FREEDOM OF EXPRESSION. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

Concomitantly, while supporting the rights of students and other members of the college community, ((~~Centralia~~)) the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-080 FREEDOM OF ASSOCIATION AND ORGANIZATION. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the ((~~Centralia~~)) the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualification which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-090 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student

body. The ASCC or ASOTCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-100 STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at ~~((Centralia))~~ the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College and Olympia Technical Community College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended ~~((Centralia))~~ the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Charges for reproduced copies of education records are found in the current catalog.

(3) Directory information. The following information is considered "Directory Information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosures from education records. In addition to Directory Information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ~~((student))~~ ASCC or ASOTCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling,

record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (g) of this section.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the Academic Standards Committee through a written request to the registrar. Should the Academic Standards Committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of

the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and Privacy Act  
Office (FERPA)  
Department of Health, Education, and Welfare  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-110 STUDENT PUBLICATIONS. (~~Centralia~~) The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may serve as a means of journalistic and/or creative expression.

(~~Centralia~~) The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications. For this reason it has approved a student publications policy and created a student publications board charged with the enforcement of that policy.

The student publications policy protects the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy has charged the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-120 DISTRIBUTION AND POSTING OF MATERIALS. The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The director of student programs for posting on the restricted posting areas of the student center and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASCC or ASOTCC campaign rules govern special poster and sign locations for ASCC or ASOTCC elections. Information on these special policies and regulations is available in the ASCC or ASOTCC office.

Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus, shall be subject to the laws of the (~~city~~) cities of Centralia and Olympia, Lewis (~~County~~) and Thurston counties, state of Washington and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the director of student programs. Persons distributing materials without permission shall be subject to the provisions of the Code of Student Rights and Responsibilities.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-140 USE OF COLLEGE FACILITIES. Any recognized ASCC or ASOTCC organization may request approval from the director of student programs to utilize available college facilities for authorized activities as provided for in official ASCC or ASOTCC documents. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

Student organizations should schedule facility use requests with the director of student programs at least three academic calendar days in advance of an event whenever possible.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-150 NONCOLLEGE SPEAKER POLICY. The trustees, the administration, and the faculty of (~~Centralia~~) the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on

campus of speakers not themselves members of the college community:

(1) Any recognized ASCC or ASOTCC student organization with the written sanction of its advisor, may ask individuals to speak on campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by ~~((Centralia))~~ the college, its students, its faculty, its administration or its board of trustees.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the director of student programs.

(4) The director of student programs or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the director of student programs with the approval of the dean of students.

(5) The dean of students may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The ~~((executive dean))~~ campus president may assign a faculty member to preside over any meeting where a speaker has been invited.

#### AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-160 VIOLATIONS. Any student shall be subject to immediate disciplinary action provided for in Code Procedures and Summary Suspension Rules who, either as a principal actor or aider or abettor;

(1) materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) violates any provision of the Code of Student Rights and Responsibilities;

(3) commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm

or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the ~~((executive dean))~~ campus president.

(h) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(i) Possessing, consuming or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

#### AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-170 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college as defined in WAC 132L-20-070, Freedom of Expression, the dean of students or the ~~((executive dean))~~ campus president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.



(3) If they do not respond within a reasonable time, call the civil authorities.

**AMENDATORY SECTION** (Amending Order 78-9, filed 3/22/78)

**WAC 132L-22-020 INITIAL PROCEEDINGS.**

(1) Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative.

(2) Notice requirements. Any student charged in a report filed pursuant to ((Section)) WAC 132L-22-020, subsection (1), with a violation of the Code of Student Rights and Responsibilities shall be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of the Code and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

(d) Specify the exact time, date, and location of the formal hearing, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the dean of student's office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean of students.

(a) At the meeting with the dean of students the student shall be informed of provisions of the Code of Student Rights and Responsibilities that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing is required the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Dismiss the case after whatever counseling and advice may be appropriate; or

(iii) Impose minor sanctions directly (warning, reprimand, fine, restitution, disciplinary probation) subject to the student's right of appeal described below; or

(iv) Refer the matter to the student hearing committee for a recommendation to the ((executive dean))

campus president/district president or designee as to appropriate action; or

(v) Recommend to the ((~~executive dean~~)) campus president/district president or designee that the student be suspended. The student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the ((~~executive dean~~)) campus president/district president's or designee's final decision.

(c) A student accused of violating any provision of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative.

(d) No disciplinary action taken by or at the recommendation of the dean of students or designated representative is final unless the student fails to exercise the right of appeal as provided for in these rules. The ((~~executive dean~~)) campus president/district president or designee after reviewing the case, including any statement the student may file with the ((~~executive dean~~)) campus president/district president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken.

**AMENDATORY SECTION** (Amending Order 78-9, filed 3/22/78)

**WAC 132L-22-030 APPEALS.** (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student hearing committee;

(b) Disciplinary recommendations made by the student hearing committee may be appealed by the student to the ((~~executive dean~~)) campus president; in the case of a recommendation for suspension for ten days or less it may be appealed to the ((~~executive dean~~)) campus president; in the case of a recommendation for suspension exceeding ten days it may be appealed to the district president or designee;

(c) Disciplinary action taken by the district president and resulting in suspension exceeding in duration one college quarter may be appealed by the student to the board of trustees and their decision shall be final.

(2) All appeals by a student must be made in writing to the committee, district president or designee or board of trustees and presented to the committee, ((~~executive dean~~)) campus president, district president or designee or chairman of the board of trustees within ten calendar days after the student has been notified of the action from which he has a right of appeal.

**AMENDATORY SECTION** (Amending Order 78-9, filed 3/22/78)

**WAC 132L-22-040 STUDENT HEARING COMMITTEE.** (1) Composition. ((~~Centralia~~)) The college shall have a standing committee composed of nine members, who shall be chosen and appointed no later



than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of three members of the administration, excepting the dean of students, chosen by the ~~((executive dean))~~ campus president; three faculty members chosen by the faculty organization; and three students chosen by the ASCC ~~((student))~~ or ASOTCC senate. Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided, that both shall not be from the same classification. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(2) Procedures for hearing.

(a) Five members of the student hearing committee will hear, de novo, and make recommendations to the ~~((executive dean))~~ campus president/district president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or designated representative. Recommendations involving suspension will be referred to the ~~((executive dean))~~ campus president/district president or designee.

(b) The student hearing committee shall elect from among its five members a chairman for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chairman of the student hearing committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the Code of Student Rights and Responsibilities. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the ~~((executive dean))~~ campus president/district president or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the Code of Student Rights and Responsibilities involved;

(iii) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of students no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of students.

(h) In all disciplinary proceedings the college may be represented by the dean of students or designee; the dean of students may then present the college's case against the student accused of violating the Code of Student Right and Responsibilities, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of students.

(j) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

(3) Admissible evidence.

(a) Only those matters presented at the hearing in the presence of the accused student, will be considered in determining whether the student hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in the preceding paragraph (a), does exist, members of the student hearing committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chairman of the student hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) Interference with proceedings. Any student interfering with the proceedings of the meeting with the dean of students or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of students or the student hearing committee or the ~~((executive dean))~~ campus president/district president or designee, or the board of trustees at the time the

interference takes place and shall be subject to suspension or any lesser sanction as may be recommended by the student hearing committee or as may be determined by the ~~((executive dean))~~ campus president/district president or designee or the board of trustees at the time the interference takes place or within fifteen academic calendar days thereafter.

(5) Decision by the committee.

(a) Upon conclusion of the disciplinary hearing, the student hearing committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the ~~((executive dean))~~ campus president/district president or designee the following actions:

(i) That the college terminate the proceedings and exonerate the student or students;

(ii) That the college impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation;

(iii) That the student be suspended from college including a recommendation of the duration of such suspension.

(b) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the Code of Student Rights and Responsibilities and the committee's recommendation to the ~~((executive dean))~~ campus president/district president or designee. The committee shall also advise the student in writing of the right to present, within ten calendar days, a written statement to the ~~((executive dean))~~ campus president/district president or designee appealing the recommendation of the committee.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-050 FINAL DECISION REGARDING DISCIPLINARY SANCTION. (1) The ~~((executive dean))~~ campus president/district president or designee (except the dean of students) shall, after reviewing the record of the case prepared by the student hearing committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what lesser disciplinary sanction shall be taken.

(2) If the ~~((executive dean))~~ campus president/district president or designee decides that discipline is to be imposed after the review provided by the preceding paragraph, subsection (1), the ~~((executive dean))~~ campus president/district president or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the ~~((executive dean))~~ campus president/district president or designee shall be final except for those cases involving suspension if the suspension has been appealed to the board.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-070 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the ~~((executive dean))~~ campus president/district president or designee, or by the board in those cases in which it made the final disciplinary action decision.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-010 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The ~~((executive dean))~~ campus president or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of an alleged Code of Student Rights and Responsibilities violation or violations, and if the ~~((executive dean))~~ campus president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property command such suspension.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the ~~((executive dean))~~ campus president or designee desires to exercise the authority to summarily suspend a student, the ~~((executive dean))~~ campus president shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the Code of Student Rights and Responsibilities involved; and

(b) That the student charged must appear before the dean of students at a time specified in the notice.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-050 DECISION BY THE DEAN OF STUDENTS. If the dean of students, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of the Code of Student Rights and Responsibilities are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of WAC 132L-24-010, Summary Suspension Rules; and

(3) Such violation or violations of the law or of provisions of the Code of Student Rights and Responsibilities constitute grounds for disciplinary action, then the dean of students may, with the written approval of the (~~executive dean~~) campus president, suspend such student from college.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-060 NOTICE OF SUMMARY SUSPENSION. (1) If a student is suspended pursuant to the above rules, the student shall be provided with a written copy of the dean of students' findings of fact and conclusions, as expressly concurred in by the (~~executive dean~~) campus president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day the notice of suspension is mailed or personal service accomplished, whichever shall occur first.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-070 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of the Code of Student Rights and Responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean of students may, with the written concurrence of the (~~executive dean~~) campus president, suspend the student from college.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-080 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the district president or designee. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the dean of students and the (~~executive dean~~) campus president, is tendered at the office of the (~~executive dean~~) campus president within seventy-two hours following the date "Notice of Summary Suspension" was served or mailed to the student, whichever occurred first.

(2) The district president or designee shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean and (~~executive dean~~) campus president, the

record of the summary suspension proceedings, and determine therefrom whether the summary suspension order is justified. Following such examination, the district president or designee may, at his/her discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

(3) The district president or designee shall notify the appealing student within forty-eight hours following his/her consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 132L-520-010 through 170 STUDENT RIGHTS AND RESPONSIBILITIES

(2) WAC 132L-522-010 through 080 CODE PROCEDURES

(3) WAC 132L-524-010 through 090 SUMMARY SUSPENSION RULES

**WSR 80-04-010**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 80-5—Filed March 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 the repeal of WAC 296-62-07335 Benzene, identical to OSHA-29 CFR 1910.1028.

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 29 CFR 1910.1028 Benzene, the new federal standard has been vacated. The standard was struck down by the appeals court and OSHA has reverted to their original Benzene standard 29 CFR 1910.1000. The state must enforce a standard on benzene at least as effective as 29 CFR 1910.1000, Table Z-2. The state has in effect WAC 296-62-07515, Table 2, Control of Chemical Agents; Order 73-3, filed May 7, 1973.

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

This rules 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 March 10, 1980.

By James T. Hughes  
Director

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07335 Benzene

**WSR 80-04-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 94—Filed March 10, 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 Nisqually River to the taking of steelhead trout by treaty Indians, WAC 232-32-123.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-123 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 Nisqually River pursuant to the reporting system approved by the United States v. Washington, and information from the Nisqually Indian Tribe indicates that the treaty share of the harvestable surplus of steelhead in the Nisqually River system has been reached. Therefore, closure of the Nisqually River 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 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 March 11, 1980.

Ralph W. Larson

### NEW SECTION

WAC 232-32-123 CLOSURE OF THE NISQUALLY RIVER 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 Nisqually River: effective 6:00 p.m., March 11, 1980.

### **WSR 80-04-012**

#### **ADOPTED RULES**

#### **DEPARTMENT OF LICENSING**

(Massage Examining Board)

[Order PL 336—Filed March 10, 1980]

Be it resolved by the Massage Examining Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to re-examination, amending WAC 308-51-130.

This action is taken pursuant to Notice No. WSR 80-01-087 filed with the code reviser on 12/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.108-.020 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 March 10, 1980.

By Yvonne Braeme  
Administrative Assistant

### AMENDATORY SECTION (Order PL 248, filed 5/25/76)

WAC 308-51-130 RE-EXAMINATION. An applicant who has failed to pass the examination may apply for re-examination, provided the required re-examination fee is submitted. ~~((Applicants will only be required to be re-examined in the specific portion of the examination previously failed, that is, written (or oral in lieu of written where appropriate) or practical, as the case may be.))~~ An applicant must successfully complete the written examination or oral in lieu of written where appropriate, prior to being scheduled for the practical examination. If an applicant fails to successfully pass the practical examination within two years of passing the written examination, he/she must retake the written examination before being eligible to again attempt the practical examination.

**WSR 80-04-013**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—March 7, 1980]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn, beginning at 9:30 a.m. on Thursday, March 27, 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 80-04-014**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 11, 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 provision of social security numbers, amending WAC 388-24-052.

It is the intention of the secretary to adopt these rules on an emergency basis on April 1, 1980.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammon  
 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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 1980, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 21, 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 May 14, 1980, and/or orally at 10:00

a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: March 7, 1980

By: N. S. Hammon  
 Executive Assistant

**AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)**

**WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS.** (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to

(a) Furnish a social security number for all persons ((included in the application)) whose needs are considered in determining the amount of assistance, or

(b) Apply for social security numbers if they are unknown or have not been issued.

(2) ((The requirement of subsection (1) shall be applicable to recipients no later than the next regular redetermination of eligibility.)) The applicant/recipient has the responsibility to report promptly and accurately any new social security number within twenty days of its receipt per WAC 388-38-255.

(3) Assistance will not be denied, delayed or terminated pending issuance of social security numbers if the applicant/recipient provides verification that he/she has met the requirement in subdivision (1)(b) or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the social security administration or recipient.

(4) If the applicant or recipient fails or refuses to comply with the requirement to furnish or apply for social security numbers for each person included in the ((application)) assistance unit, eligibility for such person(s) cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a social security number by referring him or her to the nearest social security office and by furnishing to the client from department records any verification requested by the social security administration.

(6) These rules shall be effective April 1, 1980.

**WSR 80-04-015**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed March 11, 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;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, March 21, 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.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-02-130 filed with the code reviser's office on February 1, 1980.

Dated: March 11, 1980

By: Frank B. Brouillet  
 Superintendent of Public Instruction

**WSR 80-04-016**  
**PROPOSED RULES**  
**PENINSULA COLLEGE**  
 [Filed March 12, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 1, Peninsula College, intends to adopt, amend, or repeal rules relating to the adoption of new chapter 132A-280 WAC relating to confidentiality of student records and chapter 132A-310 WAC relating to Grievance procedures—Handicapped; Adopting new section WAC 132A-160-020 relating to tuition refund policy; Amending WAC 132A-156-015 College housing—Visitors. WAC 132A-160-005 Admissions and registration procedures—Application. WAC 132A-160-010 Admissions and registration procedures—Testing. WAC 132A-168-015 Use of library—Hours. WAC 132A-116-005 Motor vehicle regulations—Registration. WAC 132A-116-025 Motor vehicle regulations—Enforcement;

that such institution will at 3:00 p.m., Wednesday, May 21, 1980, in the board room, Peninsula College, Port Angeles, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Wednesday, May 21, 1980, in the board room, Peninsula College, Port Angeles, Washington.

The authority under which these rules are proposed is the Board of Trustees, Peninsula College, Community College District No. 1.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 16, 1980, and/or orally at 3:00 p.m., Wednesday, May 21, 1980, board room, Peninsula College, Port Angeles, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. 5018 and 7655 filed with the code reviser's office on 12/24/74 and 7/5/77.

Dated: March 11, 1980

By: Paul G. Cornaby  
 President

Secretary to the Board of Trustees

Chapter 280

**CONFIDENTIALITY OF STUDENT RECORDS**

**WAC 132A-280-005 GENERAL STATEMENT.** Information contained in Peninsula College official records shall be revealed only with the written consent of the student or students to whom the records pertain. Exceptions to this rule shall be those instances where certain data are required under appropriate law by federal or state agencies; and where employees of Peninsula College have need for confidential student information in order to fulfill the terms and requirements of their employment.

**WAC 132A-280-010 DEFINITION OF STUDENT.** For purposes of this policy, a student shall be defined as a person who is, or who has been in the past, officially registered for Peninsula College classes and for whom the college maintains official records.

**WAC 132A-280-015 DEFINITION OF OFFICIAL RECORDS.** Official records shall be defined as transcripts of Peninsula College credits attempted or completed; transcripts of credits from high schools and other collegiate institutions; the records of standard

test scores; degree check lists; student interest inventories; academic advising documents; registration forms, and all personal information such as student addresses, telephone numbers, Social Security numbers, and other information ordinarily furnished by students to the college for administrative purposes.

Permanent official records shall be defined as transcripts of Peninsula College credits attempted or completed, together with all personal information normally a part of those transcripts. Subsequent to the last quarter of a student's registration at Peninsula College, all information other than Peninsula College transcripts shall be maintained in a separate file for a period of three years. At the end of the three-year period, such information shall be destroyed under the supervision of the college registrar. Official Peninsula College transcripts shall remain on file permanently in the college vault. Transcript information also shall be retained permanently in the computer file of the college student information system.

**WAC 132A-280-020 ADMINISTRATIVE SAFEGUARDS.** The college shall maintain reasonable administrative safeguards to ensure that confidential information as defined above is not disclosed to those who do not have an official right or who do not have written permission of the appropriate student to review such information.

(a) Any student who desires to review his or her official records shall be given reasonable access to those records under the supervision of the college registrar or the registrar's designee. The registrar shall have the responsibility for determining records access, under the terms of this policy, for any individual or agency requesting such information. Requests for information shall be made directly to the registrar.

(b) Other than those students to whom the official records pertain, no individual or agency allowed access to student records shall be authorized to release or convey information retrieved from such records to any other individual or agency not authorized by terms of this policy to possess such information by right of written authorization from the appropriate student or students. All written authorization shall be retained as part of the permanent student documentary record file.

(c) Official records shall not include information on any period of employment at Peninsula College of individuals who have been registered also as students. Access to student employment records and information shall be governed by the Peninsula College Essential Records Protection Policy, contained in Chapter VI of the Peninsula College general policy and procedure manual.

(d) In addition to providing written consent to the registrar for individuals or agencies to review official records or to extract information from those records, a student may provide by written consent the right of individuals or agencies, including Peninsula College, to reveal confidential information for public or private use. Such consent may include admission to another educational institution; application for employment; scholarship and financial aid application; honorary recognition; or public information uses.

(e) A student request, entered upon an official request form, to convey official Peninsula College transcripts to another institution, agency, or individual, shall be considered as written student permission to reveal such information.

**WAC 132A-280-030 APPLICATION OF TERMS OF THE POLICY.** The registrar is responsible for the uniform application of the terms of this policy. Any individual who questions the application of the terms of this policy to the privacy of information in official student records may appeal to the college president. In such instances, the president's decision concerning the application of the policy terms shall be final.

**WAC 132A-310-005 STATEMENT OF POLICY.** Peninsula College is covered by Section 504 of the Rehabilitation Act of 1973 which mandates equal opportunities for qualified handicapped persons. It is the policy of Peninsula College to insure equal opportunity without regard to handicaps in all areas of admission, education, application for employment, and employment.

**WAC 132A-310-010 GRIEVANCE PROCEDURE.** (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Peninsula College who believes he/she has been discriminated against on the basis of their handicap may lodge a formal institutional grievance by:

(a) Step 1: Informal Meeting – Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern.

(b) Step 2: 504 (Section 84.7 (b)) Official 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 504 officer. Within 30 days of receiving the written request, the 504 officer will have arranged a meeting and reported the findings in writing to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the 504 officer 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 to whom the complaint is directed, and the 504 officer who will chair the meeting.

(c) Step 3: Presidential Appeal – If the complaint is not resolved as a result of the hearing conducted by the 504 officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within 10 days after receiving the written results of 504 official hearing. Within 15 days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

The college president or designee, the 504 officer, the complainant, and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW; 1321 Second Avenue; Seattle, Washington 98101.

(b) The Equal Opportunity Commission; 705 Second Avenue; Seattle, Washington 98101.

(c) Human Rights Commission; 402 Evergreen Plaza Building; 7th and Capitol Way; Olympia, Washington 98504.

#### NEW SECTION

WAC 132A-160-020 TUITION REFUND POLICY. (1) Full refund of tuition and fees will be made to students who withdraw from the college prior to the sixth instructional day of the quarter for which the tuition and fees were paid. Fifty percent refund of tuition and fees will be made to students who withdraw from the college on or after the sixth day of instruction, but within thirty calendar days following the first scheduled instructional day of that quarter.

(2) Refunds will be made under the schedule above for credit load reductions if the total number of remaining credits is less than ten. Refunds will be made only in the academic year in which registration and fees were paid. Students who are required to withdraw because of misconduct will receive no refund subsequent to the refund period.

#### AMENDATORY SECTION (Amending Order 3, filed 12/8/76)

WAC 132A-116-005 REGISTRATION. (1) All daytime students, faculty, and staff members, full- or part-time, who use a motor vehicle within campus boundaries at any time, must ~~((obtain and properly display on their vehicles a campus registration sticker. The fee))~~ register those vehicles with the College. Those vehicles assigned to specific parking areas must display a campus registration sticker. All fees for ~~((registering))~~ registration of vehicles shall be paid at the business office where a receipt will be issued. The receipt may be exchanged at the student activities office for a registration (parking) sticker. Stickers are not transferable between vehicles or individuals. ~~((If a registrant releases ownership and/or control of the vehicle, it is his responsibility to remove the sticker.))~~ The required location for display of the campus registration sticker is on the left ~~((side of the rear window))~~ rear bumper so that the sticker may be seen from the rear. If at any time the registration sticker is defaced or removed, it is the responsibility of the registrant to apply at the student activities office for a replacement.

(2) Costs of vehicle registration will be printed in the current edition of the Peninsula College catalog.

#### AMENDATORY SECTION (Amending Order 3, filed 12/8/76)

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

(2) Citations issued for violations are payable at the business office. Penalty is \$1.00 per violation if paid within 48 hours and ~~(((\$2.00))~~ \$3.00 if paid after the first 48 hours.

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

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

(5) Appeals of citations may be made to the director of student activities.

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

WAC 132A-156-015 VISITORS. (1) Residents of the dormitory are responsible for the conduct of their guests. Each resident should, therefore, see that his guests observe all dormitory and college regulations.

(2) Guests may be entertained in the dormitory ~~((rooms))~~ from 10:00 a.m. ~~((to 10:00 p.m. Sunday through Thursday, and 10:00 a.m.))~~ to 1:00 a.m. ~~((Friday and Saturday. Nonresident guests may be entertained in the dormitory lounge from 10:00 a.m. to midnight.))~~

(3) A resident wishing to accommodate overnight guests may do so on Friday and Saturday nights provided he has permission from his roommate and the resident director. Where the above stipulations are met, and where a resident's visitor observes dormitory regulations, there will be no fee for overnight stays. In the event the host does not receive permission from the resident director, however, he will be assessed a fee of \$5.00.

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

WAC 132A-160-005 APPLICATION. (1) Persons wishing to make application to Peninsula College should secure a State of Washington Community College admission form from any high school principal's office in the State of Washington or from Peninsula College. The applicant is to complete the application form and arrange for transcripts and test scores to be sent to Peninsula College from any high schools or colleges he/she may have attended. The student will be notified of acceptance into Peninsula College upon receipt of the application, transcripts, and test scores. A faculty advisor will be assigned ~~((and each applicant will be sent a registration number advising appointment and an orientation schedule a few weeks prior to the quarter for which application has been made)).~~ Information regarding dormitories, financial aid and/or applications to certain vocational programs will be sent upon request of the applicant.

(2) A few weeks prior to the time classes are to begin, a letter is sent from the registrar to notify each student of the date and time scheduled for placement tests, college orientation, advising, and registration.

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

WAC 132A-160-010 TESTING. The Washington Pre-College Test (WPCT) is recommended for students who plan to enroll in a college transfer program. Test results are used only for guidance and counseling and not as a basis for admission. In Washington State these tests may be taken during the high school junior year. All incoming students ~~((will be asked))~~ who have not done prior college work successfully are required to complete a placement test in English and mathematics, the purpose of which is to assist students and advisors in choosing an appropriate course of study. These tests are given throughout the summer.

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

WAC 132A-168-015 HOURS. (1) During the regular school sessions, the library hours are: Monday through Thursday, 7:30 a.m. to 9:30 p.m.; Friday, 7:30 a.m. to 5:00 p.m. ~~((Sunday, 6:00 p.m. to 9:00 p.m.))~~



**WSR 80-04-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
 [Order 95—Filed March 13, 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 Snohomish and Stillaguamish watersheds and Marine Area 8A to the taking of steelhead trout, new section WAC 232-32-124.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-124 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 exchanged between the Department of Game and the Tulalip and Stillaguamish tribes indicate that all harvestable numbers of steelhead have been taken by the combined Treaty Indian and sport fisheries. Thus an immediate conservation closure is necessary to insure conservation of steelhead stocks. Such closure will not result in overescapement.

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 March 13, 1980.

Ralph W. Larson

NEW SECTION

WAC 232-32-124 CLOSURE OF SNOHOMISH AND STILLAGUAMISH WATERSHEDS AND MARINE AREA 8A TO THE TAKING OF STEELHEAD TROUT. It shall be unlawful for all persons to take, fish for, or possess steelhead trout in the Snohomish and Stillaguamish Watersheds and Marine Area 8A: effective for the Stillaguamish 6:00 p.m., March 14, 1980, and for the Snohomish Watershed and Marine Area 8A 6:00 p.m., March 16, 1980.

**WSR 80-04-018**  
**ADOPTED RULES**  
**INSURANCE COMMISSIONER**  
 [Order R 80-2—Filed March 13, 1980]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 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.

This action is taken pursuant to Notice No. 80-02-089 filed with the code reviser on 1/22/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.19.410.

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 March 12, 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 through a computer system, or other composite rating system approved by the commissioner, which other system provides adequate internal rating control and quality. However, the first twenty-five of such policies issued at inception and after each change affecting the rating of such policies must be submitted for examination. For the purpose of this regulation personal lines 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.



(2) Nothing in this regulation shall be construed to require the submission for examination of such enumerated documents which relate exclusively to coverages which are defined by the insurance code or by regulations of the Insurance Commissioner to be marine, inland marine, vehicle, or casualty insurance. The submission of these, if any, as well as personal lines property insurance policies, as described above, shall be on a voluntary basis.

~~((3) This regulation is effective on the 1st day of September, 1968.))~~

**WSR 80-04-019  
EMERGENCY RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
[Order 80-2—Filed March 13, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating school district requirements for submitting data to the superintendent of public instruction and penalties for late submission of reports.

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 as a condition to the distribution of state funds to school districts this office requires numerous reports from school districts. The recent application of the mandatory penalty provision of WAC 392-121-065 in cases involving the late submission of reports revealed that the process was unclear and the penalty unduly harsh in some cases. This amendment is necessary to clarify the process for the submission of pending reports which are critical to the performance of the statutory functions of this agency and to reduce the penalty in the event such reports are submitted late.

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-.055 and 28A.41.170 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 March 13, 1980.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-121-065 REPORTING REQUIREMENTS. (1) Each school district shall provide, upon

request of the superintendent of public instruction, such data as ((is necessary to enable)) the superintendent ((of public instruction)) deems appropriate to substantiate the district's entitlement to state ((equalization)) basic education apportionment.

(2) The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the ((completion and)) return of such completed report forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent of public instruction and published in bulletins of the division of financial services. There shall be no adverse action taken by the superintendent as the result of any late submission of data unless educational service districts and school districts are notified in advance by bulletin of the division of financial services that adverse action in the form of a delay in the apportionment of state funds or otherwise may be taken.

(3) In the event any district fails to submit data in the form required by the superintendent of public instruction ((on or before the due date established, the district's monthly allocation of all state funds shall be delayed until the next regular payment date following the submission of such data)) or submits data so that it is received by the educational service district superintendent or the superintendent of public instruction after the close of business on the date now or hereafter established by the superintendent of public instruction, but not later than the close of business on the fifth business day after the date the report is due, the district's then current monthly payment of basic education apportionment funds shall be delayed a minimum of ten calendar days from the first day of the next ensuing month.

In the event any district submits data so that it is received by the educational service district or the superintendent of public instruction later than the close of business of the fifth business day following the due date established by the superintendent of public instruction pursuant to bulletins of the division of financial services, the district's then current monthly payment of basic education apportionment funds shall be delayed until the next monthly payment date; PROVIDED, That the superintendent of public instruction has a reasonable period of time to edit and process the data submitted according to the monthly apportionment schedule established annually by the superintendent and now or hereafter published in bulletins of the division of financial services.

(4) In the event a district has extenuating circumstances, the district may deliver required reports directly to the superintendent of public instruction; PROVIDED, That not later than the due date(s) established pursuant to this section, the school district notifies the educational service district superintendent or designee of the extenuating circumstances and the decision to deliver such report to the superintendent of public instruction; such reports are received by the superintendent of public instruction not later than the close of business on the date established by the superintendent of public instruction; and the school district provides the educational service district superintendent with a copy of such report(s)

within a reasonable amount of time following the due date.

**WSR 80-04-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-15—Filed March 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 a later opening is necessary to provide better protection of lingcod stocks during the critical spawning and nesting period.

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 March 14, 1980.

By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-48-09800B** **LINGCOD—SEASONS**  
*Notwithstanding the provisions of WAC 220-48-098, effective April 1 through April 14, 1980, it shall be unlawful to take, fish for or possess lingcod for commercial purposes with any type of gear in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23, 25A, and that portion of 25B north of a line from Liplip Point to Bush Point, Whidbey Island.*

**WSR 80-04-021**  
**ADOPTED RULES**  
**OFFICE OF FINANCIAL MANAGEMENT**  
 [Order 46—Filed March 14, 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.

This action is taken pursuant to Notice No. WSR 80-02-129 filed with the code reviser on February 1, 1980.

Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 14, 1980.

By Dan Pensula  
 for M. Lyle Jacobsen  
 Director

**AMENDATORY SECTION** (Amending Order 41, filed 3/12/79)

**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))~~ transportation 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 80-04-022**  
**ADOPTED RULES**  
**COMMUNITY COLLEGE DISTRICT 12**  
 [Order 80-20, Resolution 80-20—Filed March 14, 1980]

WSR 80-04-022 was rejected by the Code Reviser's Office due to failure to comply with the style and format requirements of the Washington Administrative Code.

**WSR 80-04-023**  
**ADOPTED RULES**  
**COMMUNITY COLLEGE DISTRICT 12**  
 [Order 80-21, Resolution 80-21—Filed March 14, 1980]

WSR 80-04-023 was rejected by the Code Reviser's Office due to failure to comply with the style and format requirements of the Washington Administrative Code.

**WSR 80-04-024**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed March 14, 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 register designation, amending WAC 356-26-030;

that such agency will at 10:00 a.m., Thursday, April 10, 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, April 10, 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 April 8, 1980, and/or orally at 10:00 a.m., Thursday, April 10, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-02-137 filed with the code reviser's office on February 1, 1980.

Dated: March 13, 1980

By: Leonard Nord  
 Secretary

**WSR 80-04-025**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Order 142—Filed March 14, 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:

Amd	WAC 356-06-040	Classification service.
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.

This action is taken pursuant to Notice No. WSR 80-02-137 filed with the code reviser on 2/1/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.140(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 March 13, 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 138, filed 11/30/79)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. 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 provided such eligible candidate meets a selective certification requirement that was approved by the Department of Personnel based upon special qualifications as intended by the first paragraph in WAC 356-26-130 when the position was last filled.

(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.

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.

(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 80-04-026**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 80-10—Filed March 18, 1980]

I, Elmer C. Vogel, deputy 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 80-02-173 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 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 March 18, 1980.  
By Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-1603 KELSO, CITY OF. City of Kelso master program approved ((.....)) November 26, 1979.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-1605 WOODLAND, CITY OF. City of Woodland master program approved ((.....)) January 16, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-430 WAHIAKUM COUNTY. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980.

**WSR 80-04-027**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 80-9—Filed March 18, 1980]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to time requirements of permit, amending WAC 173-14-060.

This action is taken pursuant to Notice No. WSR 80-02-172 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 18, 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 80-04-028**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**  
[Memorandum, Secretary—March 19, 1980]

It is recommended that the Board of Regents approve the following resolution regarding their schedule of meetings for 1980:

WHEREAS, the Bylaws of the Board of Regents call for regular monthly meetings, and

WHEREAS, the schedule of meetings is to be established yearly by resolution of the Board,

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Board of Regents be held on the following dates in 1980, subject to change, providing that due notice is given by the Secretary of the Board in accordance with the Bylaws of the Board of Regents:

March 14, 1980  
April 11, 1980  
May 9, 1980  
June 13, 1980  
July 11, 1980  
August 8, 1980  
September 12, 1980  
October 10, 1980  
November 14, 1980  
December 12, 1980

**WSR 80-04-029**

**PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**  
[Filed March 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TG-1324; the amending of WAC 480-70-330 and 480-70-400, and the adopting of WAC 480-70-405, relating to safety of equipment and operations of garbage and/or refuse collection companies. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, May 7,

1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.77.030.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 2, 1980, and/or orally at 8:00 a.m., Wednesday, May 7, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 19, 1980  
By: David Rees  
Secretary

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-330 DRIVERS, HOURS OF WORK. ((No garbage and refuse collection company owning, controlling, operating, or managing any motor vehicle used in the transportation of garbage or refuse, shall cause or allow any driver or operator of such motor vehicle to work as a driver or operator for more than a maximum of ten driving hours in any twenty-four hour period, and such driver or operator shall have at least eight consecutive hours' rest in each twenty-four hour period:)) (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-400 EQUIPMENT—SAFETY. (1) All motor vehicles operated under authority of chapter ((295, Laws of 1961 [chapter 81.77 RCW])) 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding,

marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

#### NEW SECTION

**WAC 480-70-405 ACCIDENT REPORTING.** (1) Accidents occurring in this state arising from or in connection with the operations of any garbage and/or refuse company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

#### WSR 80-04-030

#### EMERGENCY RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order 142, Cause No. TG-1324—Filed March 19, 1980]

In the matter of amending WAC 480-70-330 and 480-70-400, and adopting WAC 480-70-405, relating to safety of equipment and operations of garbage and/or refuse collection companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on

the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

The provisions of WAC 480-70-330 and 480-70-400, relating to garbage and/or refuse collection companies, in effect prior to this amendment and adoption contained general equipment safety requirements, but no specific requirements were prescribed relating to brake systems, stop lamps, and the like. There were no specific regulations regarding the transportation and handling of hazardous materials. Furthermore, although there was a cursory driver hours of service requirement, no requirement for reporting of hours existed, and no comprehensive qualification standards existed. In fact, there existed no driver's qualifications rules. Finally, prior rules contained no provisions for maintenance of accident reports, and no requirement for prompt notice reporting to the Commission of accidents existed. Because of the deficiencies perceived in existing rules as described above, and the intent of the Commission to enact comprehensive safety regulations in these areas, a prompt rule change was deemed necessary.

This rule amendment and rule adoption are being promulgated pursuant to RCW 80.01.040 and 81.77.030.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 43.21H RCW)[(chapter 34.08 RCW)], and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This adoption of WAC 480-70-405 and the amendments to WAC 480-70-330 and 480-70-400 affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-70-405 should be adopted, WAC 480-70-330 and 480-70-400 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-70-400, as amended, prescribes, as a matter of state law, comprehensive equipment safety requirements and hazardous materials regulations previously established by the Federal Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, the maintenance programs that must be followed to keep equipment in proper operating condition, and the manner in which hazardous materials may be handled and transported.

WAC 480-70-400, as amended, contains additional requirements setting standards of driver qualifications for newly employed regular drivers.

WAC 480-70-405 as adopted requires prompt reporting of the occurrence of any accident involving hazardous materials, or the death or injury to any person. A telephone-notice system is established. WAC 480-70-330, as amended, establishes drivers' hours of service and logbook reporting requirements.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-405 as set forth in Appendix A, be adopted, and that WAC 480-70-330 and 480-70-400, as set forth in Appendix A, be amended as emergency rules of the



Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 34.04 RCW and 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerks of the house of representatives, three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 19th day of March, 1980.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman  
Frank W. Foley, Commissioner  
A. J. Benedetti, Commissioner

#### APPENDIX A

##### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-330 DRIVERS, HOURS OF WORK. ((No garbage and refuse collection company owning, controlling, operating, or managing any motor vehicle used in the transportation of garbage or refuse, shall cause or allow any driver or operator of such motor vehicle to work as a driver or operator for more than a maximum of ten driving hours in any twenty-four hour period, and such driver or operator shall have at least eight consecutive hours' rest in each twenty-four hour period.)) (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

##### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-400 EQUIPMENT—SAFETY. (1) All motor vehicles operated under authority of chapter ((295, Laws of 1961 [chapter 81.77 RCW])) 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle

which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:



(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

### NEW SECTION

**WAC 480-70-405 ACCIDENT REPORTING.** (1) Accidents occurring in this state arising from or in connection with the operations of any garbage and/or refuse company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150, or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

**WSR 80-04-031  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed March 19, 1980]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TCH-1323; the adopting of WAC 480-40-075 and the amending of WAC 480-40-070, relating to safety of equipment and operations of charter party carriers of passengers. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, May 7, 1980, in the Commission's Conference Room, Seventh

Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040, 81.70.010, 81.70.130 and 81.70.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 2, 1980, and/or orally at 8:00 a.m., Wednesday, May 7, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 19, 1980

By: David Rees  
Secretary

**AMENDATORY SECTION** (Amending Order R-12, filed 11/28/69)

**WAC 480-40-070 OPERATION OF MOTOR VEHICLES.** (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty feet of, but not less than fifteen feet of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

~~(3) ((Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~(4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess:~~

~~(5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW except:~~

~~(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

~~(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

~~(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

~~(4) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.~~

~~((6)) (5) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.~~

~~((7) No charter party carrier of passengers owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.~~

~~(8)) (6) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW.~~

~~(7) No motor vehicle used in the transportation of persons shall carry more persons than ((+50%)) one hundred fifty percent of its rated~~

carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

~~((9))~~ (8) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

~~((10))~~ Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported within 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town, with a copy to the Chief of the Washington State Patrol, giving complete details, in accordance with Motor Vehicle Laws of the state of Washington.

~~((11))~~ (9) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(10) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.

(11) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

#### NEW SECTION

WAC 480-40-075 EQUIPMENT—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carrier of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

#### WSR 80-04-032

#### EMERGENCY RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order 141, Cause No. TCH-1323—Filed March 19, 1980]

In the matter of adopting WAC 480-40-075 and amending WAC 480-40-070, relating to safety of equipment and operations of charter party carriers of passengers.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is:

The provisions of WAC 480-40-060 and 480-40-070, relating to charter party carriers of passengers, in effect prior to this amendment and adoption, contained general equipment safety requirements, but no specific requirements were prescribed relating to vehicle brake systems, stop lamps, and the like. Furthermore, although there was a cursory driver qualification requirement and driver hours of service requirement, no requirement for reporting of hours existed, and no comprehensive qualification standards existed. Finally, prior rules required maintenance of accident reports, but no requirement for prompt notice reporting to the Commission of accidents was required. Because of the deficiencies perceived in existing rules as described above, and the intent of the Commission to enact comprehensive safety regulations in these areas, a prompt rule change was deemed necessary.

This rule amendment and rule adoption are being promulgated pursuant to RCW 81.70.010, 81.70.130 and 81.70.140.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 43.21H RCW [(chapter 34.08 RCW)], and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This adoption of WAC 480-40-075 and the amendment to WAC 480-40-070 affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-40-075 should be adopted, and WAC 480-40-070 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-40-075, as adopted, prescribes, as a matter of state law, comprehensive equipment safety requirements previously established by the United States Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, and the maintenance programs that must be followed to keep equipment in proper operating condition.

WAC 480-40-070, as amended, contains additional requirements setting driver qualification standards for newly employed regular drivers, and sets the maximum number of hours any driver may work at a given time, in

addition to requiring such hours to be recorded and documented. Finally, WAC 480-40-070, as amended, requires prompt notice to the Commission, by telephone, of any accident causing injury or death to any person.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-40-075 and 480-40-070 as set forth in Appendix A, be adopted and amended, respectively, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 34.04 RCW and 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerks of the house of representatives, three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 19th day of March, 1980.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman  
Frank W. Foley, Commissioner  
A. J. Benedetti, Commissioner

#### APPENDIX A

##### AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty feet of, but not less than fifteen feet of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) ~~(Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~(4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

(5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal

Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(4) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

~~((6))~~ (5) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((7) No charter party carrier of passengers owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.~~

~~((8))~~ (6) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW.

(7) No motor vehicle used in the transportation of persons shall carry more persons than ((+50%)) one hundred fifty percent of its rated carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

~~((9))~~ (8) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto, except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

~~((10) Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be~~

~~reported within 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town, with a copy to the Chief of the Washington State Patrol, giving complete details, in accordance with Motor Vehicle Laws of the state of Washington.~~

~~(++)) (9) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150, or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.~~

~~(10) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.~~

~~(11) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."~~

#### NEW SECTION

WAC 480-40-075 EQUIPMENT-SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carrier of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and

"federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 80-04-033

PROPOSED RULES

#### UTILITIES AND TRANSPORTATION

COMMISSION

[Filed March 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TC-1322; the adopting of WAC 480-30-095 and the amending of WAC 480-30-100, relating to safety of equipment and operations of auto transportation companies. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, May 7, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 2, 1980, and/or orally at 8:00 a.m., Wednesday, May 7, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 19, 1980

By: David Rees  
Secretary

#### NEW SECTION

WAC 480-30-095 EQUIPMENT-SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty (~~((50))~~) feet of, but not less than fifteen (~~((15))~~) feet, of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(3) (~~((Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

(4) ~~No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

(5) ~~Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except:~~

(a) ~~The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

(b) ~~With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

(c) ~~With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

(4) ~~No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.~~

(6) ~~No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.~~

(7) ~~No Auto Transportation Company owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten (10) driving hours without a following minimum of eight (8) consecutive hours rest:~~

(8) ~~The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.~~

(7) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(8) ~~No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.~~

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: PROVIDED, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

(9) ~~No motor vehicle used in the transportation of persons shall carry more persons than ((150%)) one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.~~

(10) ~~The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight ((48)) or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.~~

(11) ~~No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.~~

(12) ~~Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.~~

(13) ~~Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported within 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town with a copy to the Chief of the Washington State Patrol, giving complete details in accordance with Motor Vehicle Laws of State of Washington:~~

(13) ~~Accidents occurring in this state arising from or in connection with the operations of any auto transportation companies operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.~~

(14) ~~Auto transportation companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.~~

(15) ~~Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."~~

**WSR 80-04-034**  
**EMERGENCY RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order 140, Cause No. TC-1322—Filed March 19, 1980]

In the matter of adopting WAC 480-30-095 and amending WAC 480-30-100, relating to safety of equipment and operations of auto transportation companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is:

The provisions of WAC 480-30-090 and 480-30-100, relating to auto transportation companies, in effect prior to this rule amendment and adoption, contained general equipment safety requirements, but no specific requirements were prescribed relating to vehicle brake systems, stop lamps, and the like. Furthermore, although there was a cursory driver qualification requirement and driver hours of service requirement, no requirement for reporting of hours existed, and no comprehensive qualification standards existed. Finally, prior rules required maintenance of accident reports, but no requirement for prompt notice reporting to the Commission of accidents was required. Because of the deficiencies perceived in existing rules as described above, and the intent of the Commission to enact comprehensive safety regulations in these areas, a prompt rule change was deemed necessary.

This rule amendment and rule adoption are being promulgated pursuant to RCW 80.01.040 and 81.68.030.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 43.21H RCW)[(chapter 34.08 RCW)], and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This adoption of WAC 480-30-095 and the amendment to WAC 480-30-100 affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-30-095 should be adopted, and WAC 480-30-100 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-30-095, as adopted, prescribes, as a matter of state law, comprehensive equipment safety requirements previously established by the United States Department of Transportation. These requirements prescribe the condition in which vehicles must be maintained, and the maintenance programs that must be followed to keep equipment in proper operating condition.

WAC 480-30-100, as amended, contains additional requirements setting driver qualifications standards for newly employed regular drivers, and sets the maximum

number of hours any driver may work at a given time, in addition to requiring such hours to be recorded and documented. Finally, WAC 480-30-100, as amended, requires prompt notice to the Commission, by telephone, of any accident causing injury or death to any person.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-30-095 and 480-30-100 as set forth in Appendix A, be adopted and amended, respectively, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 34.04 RCW and 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerks of the house of representatives, three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 19th day of March, 1980.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman  
 Frank W. Foley, Commissioner  
 A. J. Benedetti, Commissioner

**APPENDIX A**

**NEW SECTION**

**WAC 480-30-095 EQUIPMENT—SAFETY.** *In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:*

(1) *Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1 and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.*

(2) *Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."*



AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty ~~((50))~~ feet of, but not less than fifteen ~~((15))~~ feet, of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

~~(3) ((Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~(4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

~~(5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except:~~

~~(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

~~(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

~~(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

(4) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

~~((6))~~ (5) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((7) No Auto Transportation Company owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any~~

~~driver or operator of such motor vehicle to drive for more than a maximum of ten (10) driving hours without a following minimum of eight (8) consecutive hours rest.~~

~~(8))~~ (6) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(7) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

~~((9))~~ (8) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: PROVIDED, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

~~((10))~~ (9) No motor vehicle used in the transportation of persons shall carry more persons than ~~((150%))~~ one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

~~((11))~~ (10) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight ~~((48))~~ or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

~~((+2))~~ (11) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

~~((+3))~~ (12) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto, except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

~~((+4) Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported with 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town with a copy to the Chief of the Washington State Patrol, giving complete details in accordance with Motor Vehicle Laws of State of Washington.~~

~~(+5)) (13) Accidents occurring in this state arising from or in connection with the operations of any auto transportation companies operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150, or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.~~

(14) Auto transportation companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(15) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

## WSR 80-04-035

## PROPOSED RULES

## DEPARTMENT OF TRANSPORTATION

[Filed March 19, 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 468-66-050 Classification of Signs (1), (3), (7), and WAC 468-66-070 On-Premise Signs (2);

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 14, 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 April 14, 1980, and/or orally at 10:00 a.m., Monday, April 14, 1980, Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-02-141 filed with the code reviser's office on February 4, 1980.

Dated: March 18, 1980

By: V. W. Korf  
Deputy Secretary

## WSR 80-04-036

## ADOPTED RULES

## DEPARTMENT OF LICENSING

(Securities Division)

[Order SDO-38-80—Filed March 19, 1980]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the regulation of franchises, including application for franchise registration, WAC 460-80-110 and 460-80-125; financial statements, WAC 460-80-140 and receipt and content of offering circular, WAC 460-80-300 and 460-80-315.

This action is taken pursuant to Notice No. WSR 80-02-099 filed with the code reviser on 1/23/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 460-80-130 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. 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 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 460-80-180 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 460-80-910 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.

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 March 17, 1980.

By R. Y. Woodhouse  
Director

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)) as provided by the Department of Licensing 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 the Department of Licensing.

(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 accountants 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 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 prospective purchaser of a franchise shall sign a receipt in substantially the following form that ~~(he has)~~ they have received the offering circular and that ~~(he)~~ they received the same (~~(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/or  
 as an officer  
 or partner of \_\_\_\_\_  
 a (\_\_\_\_\_) corporation)  
 (\_\_\_\_\_) partnership)

#### 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, logo-type, 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 THE SIGNING OF ANY FRANCHISE OR RELATED AGREEMENT, OR (3) TEN BUSINESS DAYS BEFORE ANY

PAYMENT. THE PROSPECTIVE FRANCHISEE MUST ALSO RECEIVE A FRANCHISE AGREEMENT CONTAINING ALL MATERIAL TERMS AT LEAST FIVE BUSINESS 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 them 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 its 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 it 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 use 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 franchises or company-owned outlets selling or leasing similar products or services under a different trade name or trademark.

(d) Continuation of the franchisee's area 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 franchise.

(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 they may offer for sale, or limited in the customers to whom they 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 franchisee (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) (Alternative 1) 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; or

(19) (Alternative 2) 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 a 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 comply 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) A statement of business failures of franchises, re-sales to the franchisor, sales of the franchise to others, and transfers in the state of Washington during the two year period preceding the date of the statement.

(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 basis 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 in this state, including, without limitation, all lease agreements, option agreements, and purchase agreements.

(23) Acknowledgment 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.

#### REPEALER

The following sections of the Washington Administrative Code are 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 80-04-037**

#### **ADOPTED RULES**

#### **DEPARTMENT OF LICENSING**

#### **(Securities Division)**

[Order SDO-37-80—Filed March 19, 1980]

I, R. Y. Woodhouse, director of the Department of Licensing do promulgate and adopt at Olympia, Washington, the annexed rules relating to the regulation of securities, amending WAC 460-10A-015, 460-16A-085, 460-20A-220, 460-32A-235, 460-42A-080, 460-44A-010, 460-44A-020, 460-44A-030, 460-44A-060 and 460-60A-015, adopting WAC 460-42A-085, 460-44A-041, 460-44A-045, 460-44A-065, 460-44A-070 and 460-44A-075 and repealing WAC 460-44A-040.

This action is taken pursuant to Notice Nos. WSR 80-02-098 and 80-02-139 filed with the code reviser on 1/23/80 and 2/4/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

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-220 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-070 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 21.20.450 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. WAC 460-44A-020 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.

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 March 17, 1980.

By R. Y. Woodhouse  
Director

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)) SALES-PERSON 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 continuously 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 continuously 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 of (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 requirement 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).

#### 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))045. 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-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 the 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 and WAC 460-44A-045, 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.

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 #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 non-public offering exemption provided by these rules:

(1) The selling expenses for the securities offering shall not exceed fifteen percent of the aggregate offering price ("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(3), 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.

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 460-44A-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)
(3) Type of Business (check one)
(4) Name (in full), address and telephone of chief executive officer...

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.
(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)...

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

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 enterprise.

(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 and WAC 460-44A-070. 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))

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
(3) Type of Business
(4) Name (in full), address and telephone of chief executive officer
(5) Issuer's state of incorporation
(6) Title of class of securities
(7) Total number of shares
(8) Aggregate dollar amount
(9) Price per share
(10) Total number of purchasers
(11) Past securities sales

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

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, ((±H)) annual financial statements shall be audited and certified by an independent certified public accountant.

WSR 80-04-038

ADOPTED RULES BOARD OF HEALTH [Order 196-Filed March 20, 1980]

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

- Amd WAC 248-96-020 Definitions.
Amd WAC 248-96-040 Applicability.

Amd WAC 248-96-075 Larger systems.  
 Amd WAC 248-96-080 Permit.

This action is taken pursuant to Notice No. WSR 80-01-107 filed with the code reviser on 1/2/80. 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 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 February 13, 1980.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Ida B. Chambliss

Ronald L. Jacobus

John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 101, filed 6/10/74)

WAC 248-96-020 DEFINITIONS. (1) "Approved" - The term "approved" shall mean acceptable by the health officer as stated in writing.

(2) "Cover" - shall mean fill material that is used to cover a subsurface disposal area to a maximum depth of 18 inches.

(3) "Fill" - shall mean soil materials that have been displaced from their original location.

(4) "Ground water" - subsurface water occupying the zone of saturation.

(5) "Health officer" - the health officer of the city, county, city-county, or district health department or his authorized representative.

(6) "Larger on-site sewage disposal system" - any on-site sewage system with design flows, at any common point, between 3,500, to 14,500 gpd or developments having 10, but no more than 49 service connections. On-site systems receiving state or federal grants, or systems using mechanical treatment or lagoons with ultimate design flows above 3,500 gpd are excluded from this definition. Excluded systems are governed by chapter 173-240 WAC.

(7) "On-site sewage disposal system" - any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a public sewer system.

~~((7))~~ (8) "Person" - any individual, corporation, company, association, society, firm, partnership, joint stock company, or any branch of state or local government.

~~((8))~~ (9) "Public sewer system" - a sewerage system which is owned or operated by a city, town, municipal corporation, county, political subdivision of the state, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal and under permit from the department of ecology.

~~((9))~~ (10) "Secretary" - the secretary of the state department of social and health services or his authorized representative.

~~((10))~~ (11) "Septic tank" - a watertight receptacle which receives the discharge of sewage from a building sewer, and is designed and constructed so as to permit separation of settleable and floating solids from the liquid, detention and digestion of the organic matter, prior to discharge of the liquid portion.

~~((11))~~ (12) "Sewage" - the water-carried human or domestic waste from residences, building, industrial establishments or other places, together with such ground water infiltration, and other wastes as may be present.

~~((12))~~ (13) "Subdivision" - a division of land, as defined in chapter 58.17 RCW, now or as hereafter amended.

~~((13))~~ (14) "Surface water" - any body of water, whether fresh or marine, or watercourse, including lakes, impoundments and streams.

AMENDATORY SECTION (Amending Order 101, filed 6/10/74)

WAC 248-96-040 APPLICABILITY. (1) These regulations shall not apply to new construction for which a permit was issued prior to the effective date of the regulations or to existing systems where extensions or alterations are undertaken as a result of failure of the system or portions thereof, or pursuant to an order of the health officer.

(2) Lots, parcels or tracts that have received written approval by the health officer prior to the effective date of these regulations shall be subject to only the design section of these regulations (WAC 248-96-110) and any additional standards prescribed by the health officer. Provisions of this subsection shall also include extensions of existing systems to handle increase in flows from dwelling unit expansion.

(3) Subdivisions recorded prior to the effective date of these regulations and that have not received written approval by the health officer, shall be subject to the requirements of the county regulations in effect at the time of recording and other standards deemed necessary by the health officer.

(4) These regulations shall not apply to facilities constructed or operated in accordance with a permit or approval issued by the Washington state department of ecology and where they may be in conflict with chapters 90.48 or 70.95B RCW, said RCW shall govern.

AMENDATORY SECTION (Amending Order 101, filed 6/10/74)

WAC 248-96-075 LARGER SYSTEMS. ((Guidelines governing the review, approval procedure and authority for larger systems shall be developed jointly between the department of social and health services, the local health departments, the department of ecology, and municipal sewer utilities. However, until such guidelines are established, the following rule shall apply:

In all cases where the maximum design flow of any on-site disposal system is greater than 14,500 gallons per day, prior to instituting construction of the system, a copy of the construction plan shall be submitted to the secretary, who shall review the proposed system to determine that its use will be consistent with protection of the public health. No health officer shall issue a permit for such a system until it has been approved by the secretary.)) Prior to construction, plans and specifications for larger on-site systems shall be submitted to and approved by the secretary. By a mutual contract with the secretary, local health departments may assume plan review and approval authority for larger on-site systems. Submittals, design and management requirements shall adhere to the following procedures, requirements, and review documents.

(1) Preliminary engineering report: Prior to or concurrent with the preparation of detailed plans and specifications for new construction or improvements to a larger on-site sewage disposal system, the person proposing the larger on-site system shall submit to the secretary for approval a preliminary report addressing the nature and scope of the proposed construction, including an analysis of the drainfield area to satisfactorily assimilate and treat the proposed sewage quantities for the anticipated life of the system. In addition to those factors identified in WAC 248-96-090, Method (2), the preliminary report shall contain, but need not be limited to, consideration of the following factors:

(a) Representative number of percolation tests and soil logs.

(b) Schedule for phase development.

(c) Water balance analysis of the drainfield area.

(d) Overall effects of the proposed sewage system upon the surrounding area.

(2) Submission of plans and specifications:

(a) Every person, before installing or entering into a contract for installing a larger on-site sewage disposal system shall submit to the secretary complete plans and specifications fully describing such larger on-site sewage disposal systems, and upon receipt of written approval by the secretary the plans and specifications shall be adhered to unless deviations are first submitted to and receive written approval of the secretary. Routine field deviations required during construction need not be submitted for approval.

(b) Plans submitted for approval shall include the proposed provisions for inspection of the work during construction.

(c) A detailed operation and maintenance manual, fully describing the treatment and disposal systems and

outlining routine maintenance procedures for proper operation of the system, shall be submitted together with the plans and specifications.

(3) Approvals—Period of validity—Renewal:

(a) Approvals of plans and specifications by the secretary under this section shall be valid for an initial period of two years commencing with the date of the letter of approval.

Lapsed approvals may be renewed for successive one-year periods thereafter at the discretion of the secretary upon the written request by the applicant.

(b) As a condition of renewal, the secretary may require the plans and specifications to be revised to conform with the design standards and the requirements of the rules and regulations of this chapter current at the time of request for renewal.

(4) Requirements for engineers and certification: All preliminary engineering reports and plans and specifications for new larger on-site sewage disposal systems, extensions or alterations, shall be prepared by a professional engineer licensed in the state of Washington in accordance with chapter 18.43 RCW and shall bear the engineer's seal. Within sixty days following the completion of and prior to the use of any project or portion thereof for which plans and specifications have received the approval of the secretary, a certification shall be made to the department and signed by a professional engineer that the engineer or his authorized agent has inspected the physical facilities of the project, which as to layout, size and type of pipe, valves and materials and other designed physical facilities has been constructed in accordance with the plans and specifications approved by the secretary.

(5) Design: Design of the system shall comply with Design Guidelines for Larger On-site Sewage Systems, December 1979, D.S.H.S./D.O.E.

(6) Soil: Soil interpretations shall be based upon the Interim Soil Evaluation Guidelines, November 1978, D.S.H.S.

(7) Management: Management of larger on-site systems shall comply with Guidelines for the Formation and Operation of On-site Waste Management Systems, November 1976, D.S.H.S.

AMENDATORY SECTION (Amending Order 101, filed 6/10/74)

WAC 248-96-080 PERMIT. (1) No person shall install a new on-site sewage disposal system, nor perform major alterations, extensions or relocations of an existing system without a valid permit issued by the health officer. Systems approved by the secretary are exempt from permit requirements. Permits for alterations or repairs shall be so identified. Application for such permit shall be made in writing in a manner prescribed by the health officer.

(2) When applying for a permit to install an on-site sewage disposal system, a construction plan of the proposed system is required. The construction plan shall contain information as required by the health officer in sufficient detail and to a scale which will permit a proper evaluation of the application. Such information should contain the following as a minimum:

- (a) Name of applicant and legal description of site.
- (b) Soil logs describing nature and depth of soils.
- (c) Percolation test data where required.
- (d) Anticipated maximum seasonal ground water table.
- (e) General topography of the site and site drainage characteristics.
- (f) Distances of proposed system to water supplies, surface water, banks or cuts, boundaries of property and structures or other improvements.
- (g) Distance to public sewer system.

**WSR 80-04-039**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1494—Filed March 20, 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.

This action is taken pursuant to Notice No. WSR 80-02-121 filed with the code reviser on 1/30/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 19, 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, ~~((FDDAA))~~ 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 with)~~) 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, with)~~) 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 FCAA))~~ 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, ~~((FCAA))~~ 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 ~~((FDDA))~~ 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 (~~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 80-04-040**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE  
[Memorandum—March 27, 1980]**

Notification is hereby given that the Board of Trustees of Whatcom Community College, District Number Twenty-One will hold meetings at the following times and places:

April 8, 1980	1:00 p.m.	Board Room Northwest 2 Whatcom Community College 5217 Northwest Road Bellingham, WA 98225
April 24, 1980	10:00 a.m.	Art Room Lynden Facility Professional Plaza 17th and Grover Lynden, WA 98264

**WSR 80-04-041**

**ADOPTED RULES**

**INSURANCE COMMISSIONER**

[Order R 80-4—Filed March 20, 1980]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the establishment of a staggered system of renewal dates for licenses of agents, brokers, solicitors and adjusters; and establishing appointment procedures and renewal dates for agents.

This action is taken pursuant to Notice No. WSR 80-02-103 filed with the code reviser on January 24, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 20, 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 80-04-042**

##### **ADOPTED RULES**

#### **INSURANCE COMMISSIONER**

[Order R 80-3—Filed March 20, 1980]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to continuing education procedures and requirements that must be met by agents, solicitors and brokers to maintain their licenses.

This action is taken pursuant to Notice No. WSR 80-02-086 filed with the code reviser on January 21, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.17.150 as amended by section 7, chapter 269, Laws of 1979 1st ex. sess.; and section 10, chapter 269, Laws of 1979 1st ex. sess. and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 18, 1980.

By Roger Polzin  
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, solicitor or brokers 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:

(a) twelve (12) hours will be assigned for each quarter "credit hour".

(b) sixteen (16) hours will be assigned for each semester "credit hour". The number of hours assigned for other programs will normally be based upon the number of classroom contact hours or their equivalent. However, based upon 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 non-resident insurance agent, solicitor or broker, except those holding Title Only Agent licenses.

(4) "Certificate of completion" means a document signed by the course instructor or other responsible officer which shall signify satisfactory completion of 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) The number of hours course work required to be presented annually as a prerequisite to license renewal or reissuance shall be based on the number of years the licensee has been licensed as of the assigned license renewal date:

<u>Number of Years Licensee Has Been Licensed</u>	<u>Hours Required</u>
Five or less	36
More than five but ten years or less	24
More than ten years	12

The Commissioner may accept licensed sales experience in another state, as comparable experience for the purpose of calculating the number of years licensed and for determining the number of continuing education hours required for each annual renewal or reissuance.

Each course to be applied toward satisfaction of the continuing education requirement must have been completed within the twenty four (24) month period immediately preceding the licensee's assigned license renewal date and hours applied cannot have been applied in a previous year toward satisfaction of the continuing education requirement.

(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) Persons previously licensed who desire to be re-licensed shall be required to show that they have completed the number of hours of continuing education that would have been required of them had their licenses been continuous or, in lieu thereof, take and pass the appropriate licensing examination.

(4) 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.

**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 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 the satisfaction of the continuing education requirement: PROVIDED, that licensees who have attended and seek credit for completion of courses organized by, and conducted under the supervision of industry trade associations, national associations of agents or brokers or such other national organizations as are accepted by the commissioner, may, within 60 days of course completion, submit supporting course materials and a request for approval of course content and hours credit to the Commissioner. The licensee seeking course and hours credit approval shall have the responsibility for providing:

(a) sufficient supporting materials regarding course content and hours to permit the Commissioner to make a determination, and

(b) a "Certificate of Completion" signed by the instructor or person in charge of the course signifying licensee attendance at, and completion of, the course.

### NEW SECTION

WAC 284-17-240. COURSES SPECIFICALLY APPROVED. (1) The following courses are approved as they exist on the date this regulation is adopted, for the credit hours stated:

(a) Any part of the Life Underwriter Training Council Life Course Curriculum (50 hours credit) or Health Course Curriculum (25 hours credit).

(b) Any part of the American College "CLU" Diploma Curriculum (30 hours credit), and its advanced study programs; Chartered Life Underwriter Institutes conducted by the American Society of CLU.

(c) Any part of the Insurance Institute of America's program of insurance (20 hours credit).

(d) Any part of the American Institute for Property and Liability Underwriter's Chartered Property Casualty Underwriter (CPCU) professional designation program (30 hours credit).

(e) Any part of the Certified Insurance Counselor program (25 hours credit).

(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) Changes in the above identified courses shall be presumed to be approved by the Commissioner unless the sponsoring organization is advised of disapproval.

(3) Programs for which credit hours are not shown shall receive such credit hours as are approved by the Commissioner.

### NEW SECTION

WAC 284-17-250. COURSES CONDUCTED BY AUTHORIZED ORGANIZATIONS. (1) Insurance companies, insurance trade associations and statewide

associations of agents or brokers that have an existing formal, and demonstrable, training program may, upon request to and approval by the Commissioner, be authorized to develop course content and conduct courses without the requirement for prior individual course review and approval by the Commissioner.

(2) Local chapters of such an authorized statewide association of agents or brokers may submit proposed courses to the statewide organization and, upon a determination by the statewide organization that the local chapter's course meets the standards of the organization and complies with this continuing education regulation, such local chapter's course shall be considered to be a course of the statewide association of agents or brokers and shall be presumed to be approved by the Commissioner.

(3) It is the intent of this section that only organizations with a formal, full-time training program be approved to develop and conduct courses without prior individual course approval. Courses of other organizations are to be reviewed and acted on by the Commissioner on a prior and individual basis.

(4) Requests for training program review, and authority to develop course content and to conduct courses without prior individual course approval must include the following information:

- (a) The name of the organization.
  - (b) A description of the existing training program of the organization including:
    - (i) The titles or description of courses taught during the previous year.
    - (ii) The number of students taught, by course, during the previous year.
    - (iii) The name of the person in charge of the training program, years of full-time training program experience and years with the present organization.
  - (iv) Budget of the training program for the current year.
  - (c) A description of the manner in which courses will be developed and reviewed prior to course conduct.
  - (d) A statement by the responsible employee or officer of the organization agreeing to comply with regulations in developing courses and attributing hours to courses.
  - (e) An agreement to offer to provide, and to provide when requested, a certificate of completion and hours earned to each successful student.
  - (f) An agreement to maintain records of student course completion for three (3) years.
- (5) The granting of authority to an organization to develop course content and conduct courses without prior individual course approval shall be for one year. The actual conduct and performance of the training program shall be subject to review prior to renewal of such approval.

(6) Organizations that have been authorized to develop course content and conduct courses without prior individual course approval shall file a course outline for each course with the Commissioner. The course outline shall include:

- (a) A description of the subject matter to be taught.
- (b) The method of teaching or presentation.

- (c) The number of classroom contact hours.
- (d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.
- (e) The number of continuing education hours credit assigned.
- (f) Other relevant information.
- (7) Assignment of hours to courses by organizations that have been authorized to develop course content and conduct courses without prior individual approval shall be subject to review and revision by the Commissioner as necessary to ensure consistency in continuing education hours assigned to comparable courses.

#### NEW SECTION

WAC 284-17-260. COURSES INDIVIDUALLY APPROVED. Organizations or individuals not included in WAC 284-17-240 or 284-17-250 that desire to have courses approved may submit their request for individual course approval to the Commissioner.

- (1) The request for course approval shall include:
  - (a) A copy of the course material that is requested to be approved.
  - (b) An explanation of the method of teaching or presentation.
  - (c) The number of classroom contract hours.
  - (d) An explanation of the criteria to be applied in determining whether the course is satisfactorily completed.
  - (e) The number of continuing education hours for which approval is requested.
  - (f) An agreement to offer to provide, and to provide when requested, a certificate of completion and continuing education hours earned, to each successful student.
  - (g) An agreement by the responsible official to comply with regulations in conducting courses.
- (2) A specific determination of course and hours approval will be made by the Commissioner. No course for which individual course approval is required may be represented as being approved prior to actual approval.

#### NEW SECTION

WAC 284-17-270. CREDIT FOR COURSES. (1) No course shall be established for less than one (1) hour of continuing education credit. Courses conducted in conjunction with other meetings must have a separate continuing education course component.

(2) The instructor of a course must maintain a positive attendance record, consisting of a sign in - sign out register, in order to qualify the course for continuing education credit.

(3) 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 284-17-280. APPROVED COURSES OR ORGANIZATIONS - LOSS OF APPROVAL. (1) The approval of a course, or of an organization to develop and conduct courses without prior individual course approval, 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 were not offered, or were not given when requested 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 shall be at the discretion of the Commissioner after receipt of satisfactory proof that the conditions responsible for the suspension have been corrected.

#### NEW SECTION

WAC 284-17-290. 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 284-17-300. CONTINUING EDUCATION ADVISORY COMMITTEE. There is hereby created a continuing education advisory committee to be made up of five members appointed for staggered terms by the Commissioner. The advisory committee shall, as requested by the Commissioner, provide assistance and advice in the implementation of the continuing education regulation.

#### NEW SECTION

WAC 284-17-310. FIRST DATES WHEN CONTINUING EDUCATION REQUIREMENT MUST BE MET. Each licensee shall be required to present evidence of completing the continuing education requirement, prior to license renewal, according to the following time schedule:

(1) For resident licensees qualified to sell life, disability, property or casualty insurance, beginning with those license renewals falling due on or after October 1, 1981.

(2) For any other licensee, beginning with those license renewals falling due on or after October 1, 1982. The purpose of this deferred effective date is to provide sufficient time for analysis of the appropriate continuing education requirement for such other licensees.

(3) To coordinate with the conversion to a staggered license renewal schedule:

(a) 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.

(b) Any continuing education course started and completed after April 1, 1980, and any course that is approved by WAC 284-17-240(1) that is completed after April 1, 1980, shall be allowed to be applied toward satisfaction of continuing education requirements.

#### NEW SECTION

WAC 284-17-320. 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.

#### **WSR 80-04-043**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF TRANSPORTATION**

#### **(Transportation Commission)**

[Order 13, Resolution 70—Filed March 20, 1980]

Be it resolved by the Washington State Transportation Commission, acting at 1D2, Highway Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Special permits for movement over state highways of over-legal size or weight loads—Triple saddlemounts, amending WAC 468-38-450.

We, the Washington State Transportation 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 that an unrealistic variance in length allowance exists between provision of law for double saddlemounts at 75 feet and limitation of rule for triple saddlemounts at 65 feet. The emergency rules submitted are addressing this problem.

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

This rule is promulgated pursuant to RCW 46.44.038 which directs that the Transportation Commission has authority to implement the provisions of RCW 46.44.038.

This rule is promulgated under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 46.44.090.

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) 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 March 18, 1980.

Washington State Transportation Commission  
By Julia Butler Hansen  
Chairman  
Vaughn Hubbard  
Vice Chairman

AMENDATORY SECTION (amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-450 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS — TRIPLE SADDLEMOUNTS. (1) Definition: A combination of four vehicles used on a drive-away-towaway operation with three vehicles in saddle-mount position with the towing vehicle.

(2) Authority: In accordance with RCW 46.44.038 and 46.44.0941, special permits may be issued authorizing the operation of Triple Saddle-mounts on the state highway system with an overall combined length of ((65)) 75 feet.

(3) Operating conditions are as follows:

(a) Vehicles operating in Triple Saddle-mounts will meet specifications of ((F.C.E.)) U.S.D.O.T. Federal Motor Carrier ((regulations)) Regulations in parts 393.40 through 393.52((-)) and 393.71. ((b) Combination will not consist of more than four vehicles.))

((c)) (b) In Triple Saddle-mount combinations, no towed vehicle will be permitted in lieu of saddle-mount.

(c) Subject to limitations of R.C.W. 46.44.041 a full mounted vehicle may be carried on the rear-most towed vehicle only.

((d) No full mounted vehicle shall be carried on the towing vehicle or any towed vehicle.))

**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.

**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 80-04-044**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Order 14, Resolution 71—Filed March 20, 1980]

Be it resolved by the Washington State Transportation Commission, acting at Room 1D2, Highway Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Special permit for movement over state highways of over-legal size or weight loads—Triple saddle-mounts, amending WAC 468-38-450.

This action is taken pursuant to Notice Nos. WSR 80-01-060 and 80-03-043 filed with the code reviser on December 20, 1979 and February 20, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.44.038 which directs that the Washington State Transportation Commission has authority to implement the provisions of chapter 46.44 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 March 18, 1980.

Washington State Transportation Commission  
By Julia Butler Hansen  
Chairman  
Vaughn Hubbard  
Vice Chairman

AMENDATORY SECTION (amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-450 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS — TRIPLE SADDLEMOUNTS. (1) Definition: A combination of four vehicles used on a drive-away-towaway operation with three vehicles in saddle-mount position with the towing vehicle.

(2) Authority: In accordance with RCW 46.44.038 and 46.44.0941, special permits may be issued authorizing the operation of Triple Saddle-mounts on the state highway system with an overall combined length of ((65)) 75 feet.

(3) Operating conditions are as follows:

(a) Vehicles operating in Triple Saddle-mounts will meet specifications of ((F.C.E.)) U.S.D.O.T. Federal Motor Carrier ((regulations)) Regulations in parts 393.40 through 393.52((-)) and 393.71.

((b) Combination will not consist of more than four vehicles.))

((c)) (b) In Triple Saddle-mount combinations, no towed vehicle will be permitted in lieu of saddle-mount.

(c) Subject to limitations of R.C.W. 46.44.041 a full mounted vehicle may be carried on the rear-most towed vehicle only. ((d) No full mounted vehicle shall be carried on the towing vehicle or any towed vehicle.))

**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.

**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 80-04-045**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 51—Filed March 21, 1980]

I, W. A. Bulley, Secretary of Department of Transportation, do promulgate and adopt at Room 1D-9, Highway Administration Building, Olympia, Washington, the annexed rules relating to chapter 468-95 WAC, "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). Adoption of the 1978 MUTCD as an amendment to chapter 468-95 WAC.

This action is taken pursuant to Notice No. WSR 80-02-110 filed with the code reviser on 1/28/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 47.36 RCW Traffic Control Devices and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 17, 1980.

By W. A. Bulley  
Secretary

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, 1970;)~~) as the national standard for all highways open to public travel; published (~~(under date of 1971)~~) 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)~~) 51 of the Secretary of Transportation dated (~~(January 24, 1978 (filed on December 20, 1978))~~) March 17, 1980. 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)~~) 51 of the Secretary of Transportation on (~~(January 24, 1978 (filed December 20, 1978))~~) March 17, 1980:

(~~(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**

**SIGNS**

- Sn 5-71 — III — Use of "Right Lane" in place of "Next Right" on exit direction signs.
- Sn 1-72 — III — Use of symbol signs for airports.
- Sn 10-72 — III — Use of an "Exempt" railroad crossing sign.
- Sn 11-72 — III — Change in size of County Route Marker.
- Sn 42 — III — Signing for emergency call boxes.
- Sn 54 — IV — Use of a distance in place of "Next Right" on advance guide signs for the second exit of a double exit interchange.
- Sn 71(1) — V — Selection of destination points on mileage signs.
- Sn 76 — V — Use of small mileposts for low volume rural roads off the Federal-Aid System.
- Sn 82 — V — Local government symbols for street name signs except none are to be used on city streets forming the route of a state highway.
- Sn 7-72 — VI — Symbol weight limit sign.
- Sn 57 — VI — Color combination of auxiliary county and forest route markers.
- Sn 61 — VI — Bus priority lane signs.
- Sn 67 — VI — Installation of service signs at ramp terminals.
- Sn 72 — VI — Shape and color combination for recreation area signs.
- Sn 75 — VI — Mandatory usage of down arrows with "EXIT ONLY" sign panels.
- Sn 84 — VI — Recreation symbol signs.
- Sn 88 — VI — Weather information signs for rural highways.
- Sn 89 — VI — Fully reflectorized interstate and route marker shields.
- Sn 95 — VI — Handicapped symbol sign for rest area.
- Sn 97 — VI — State name on interstate route marker.
- Sn 98 — VI — New locations for "NO LEFT TURN" signs.

~~RULING VOLUME SUBJECT~~

- Sn 99 VI ~~Speed limit sign beacon within school speed limit sign.~~
- Sn 104 VI ~~Small size pedestrian push-button sign.~~
- Sn 115 VI ~~Educational plague time limit.~~
- Sn 116 VI ~~"NO TURN ON RED" sign.~~
- Sn 109 VH ~~Equestrian crossing symbol sign.~~
- Sn 120 VH ~~New location and design for pedestrian crossing sign.~~
- Sn 126 VH ~~Welcome center signing.~~
- Sn 130 VH ~~Hand held STOP sign for school zones.~~
- Sn 135 VH ~~No parking bus stop sign.~~
- Sn 139 VH ~~Combination GAS, FOOD, and LODGING logo signs.~~
- Sn 143 VH ~~Trail markers.~~
- Sn 144 VH ~~NO PEDESTRIAN CROSSING symbol sign.~~
- Sn 148 VH ~~Symbolized NO PARKING sign.~~
- Sn 156 VH ~~Two-way left turn sign.~~
- Sn 158 VH ~~Increased use of NO PASSING ZONE (pennant) sign.~~
- Sn 172 VH ~~Bus terminal symbol sign.~~
- Sn 173 VH ~~Railroad station symbol sign.~~
- Sn 186 VH ~~YIELD and STOP AHEAD symbol signs.~~
- Sn 47/107 VHI ~~Classification and placement of interchange guide signs.~~
- Sn 108 VHI ~~Truck crossing symbol sign.~~
- Sn 111 VHI ~~Handicapped crossing symbol warning sign.~~
- Sn 141/142 VHI ~~Wrong way traffic control.~~
- Sn 156 VHI ~~Two-way left turn sign.~~
- Sn 188 VHI ~~Fire truck crossing or station symbol sign.~~
- Sn 191 VHI ~~Use of keep right sign.~~
- Sn 192 VHI ~~Divided highway crossing sign.~~
- Sn 195 VHI ~~Lateral placement of mile post markers.~~
- Sn 196 VHI ~~Signing for long, steep downgrades.~~
- Sn 203 VHI ~~Narrow bridge symbol sign.~~
- Sn 205 VHI ~~Playground symbol sign.~~
- Sn 206 VHI ~~Pavement ends symbol sign.~~
- Sn 211 VHI ~~Chevron alignment sign.~~
- Sn 218 VHI ~~Guide signs to fringe parking areas.~~
- Sn 220 VHI ~~No hitchhiking symbol signs.~~
- Sn 221 VHI ~~Tow-away zone symbol sign.~~
- Sn 222 VHI ~~Trailer sanitary disposal station sign.~~

~~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.~~

~~RULING VOLUME SUBJECT~~

- M 31a and b VH ~~Yellow and double delineators for one-way roadways.~~
- M 37 VH ~~Red and white barricades in non-construction and non-maintenance areas.~~
- M 33 VHI ~~New alphanumeric alphabet.~~
- M 43 VHI ~~Yellow traffic cones and tubular markers.~~
- M 44 VHI ~~Speed measurement markings.~~
- M 45 VHI ~~Delineating median crossovers.~~
- M 48 VHI ~~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 VH ~~Length of red interval in operation of draw-bridge signals.~~
- Sg 54 VH ~~Location of signal instruction signs.~~
- Sg 69 VH ~~Dual indication traffic signal.~~
- Sg 74 VH ~~Vertical arrangement of lenses in a signal face.~~
- Sg 78 VH ~~Pedestrian detectors.~~
- Sg 81 VH ~~Priority control of traffic signals.~~
- Sg 67 VHI ~~Traffic control devices at movable bridges.~~
- Sg 89 VHI ~~Symbolic pedestrian indications.~~
- Sg 95 VHI ~~Pedestrian walk interval.~~

~~CONSTRUCTION AND MAINTENANCE~~

- Cn 5 V ~~Design of Type II barricades, drums, and flasher supports and markings thereon.~~
- Cn 6 VI ~~Usage and coding of barricades, object markers and vertical panels.~~
- Cn 8 VI ~~"NEXT . . . MILES" for use on road construction signs.~~
- Cn 9a VI ~~Barricade characteristics.~~
- Cn 9b VI ~~Warning light application.~~
- Cn 11 VI ~~Hand held signaling devices.~~
- Cn 12 VH ~~Reflectorized drum design.~~
- Cn 16 VH ~~Use of orange clothing for flagmen.~~
- Cn 18 VH ~~Nighttime flagging procedures.~~
- Cn 10 VHI ~~Advance flagman symbol sign.~~
- Cn 13 VHI ~~Warning signs for both men and women, worker symbol.~~
- Cn 26 VHI ~~Advance flashing arrow panels.~~

~~RULING VOLUME — SUBJECT~~~~Cn 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 hereinafter:

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:

#### ~~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 may be erected at intermediate milepoints along the road or road section if conditions warrant.~~

#### ~~I-7-701 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.

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 second paragraph of Section 2C-3, "Placement of Warning Signs," of the MUTCD is amended to read as follows:

Since warning signs are primarily for the protection of the vehicle operator who is unacquainted with the road, it is very important that care is given to their location. Warning signs should normally be placed in a range of 250 feet to 750 feet in advance of the hazard or conditions. On high speed roads, and particularly on freeways, advance warning distances may have to be as great as 1500 feet or more.

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 Indications," 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:

In accordance with section 1, chapter 45, Laws of 1980, the legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with a "PRIMITIVE ROAD" sign at all places where the primitive road portion begins or connects with a highway other than a primitive road.

A sign with the caption "CAUTION - NO WARNING SIGNS" may be installed on the same post with the "PRIMITIVE ROAD" sign, and may be individually erected at intermediate points along the road section if conditions warrant. In addition, a sign with the caption "NEXT.....MILES" may be installed on the same post below the "CAUTION - NO WARNING SIGNS" sign.

The designs of the "PRIMITIVE ROAD, CAUTION - NO WARNING SIGNS, and NEXT.....MILES" signs are available for public inspection at the headquarters office and all district offices of the Washington state department of transportation.

Existing signing placed in accordance with the requirements for I 7-7 of the June 1978 Supplement to the MUTCD (1971 edition) is hereby authorized, on an optional basis, until December 31, 1980.

## WSR 80-04-046

## ADOPTED RULES

## SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 80-3—Filed March 21, 1980—Eff. May 2, 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.

This action is taken pursuant to Notice No. WSR 80-02-130 filed with the code reviser on February 1, 1980. Such rules shall take effect at a later date, such date being May 2, 1980.

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 March 21, 1980.

By Frank B. 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 ~~((+14th))~~ 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 TERMINATION 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) PRO-VIDED, 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 80-04-047**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 79-31—Filed March 21, 1980]

I, Wilbur G. Hallauer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, the annexed rules relating to Instream Resources Protection Program—Puyallup River Basin, Water Resource Inventory Area (WRIA) 10, adopting chapter 173-510 WAC.

This action is taken pursuant to Notice No. WSR 79-12-109 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 chapters 90.54 and 90.22 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 March 19, 1980.

By Wilbur G. Hallauer  
 Director

Chapter 173-510 WAC

Instream Resources Protection Program—Puyallup River Basin, Water Resource Inventory Area (WRIA) 10

**NEW SECTION**

**WAC 173-510-010. GENERAL PROVISION.** These rules apply to waters within the Puyallup River Basin, WRIA 10, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program).

**NEW SECTION**

**WAC 173-510-020. PURPOSE.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Puyallup River Basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic-aesthetic, environmental values, recreation, navigation, and to preserve high water quality standards.

**NEW SECTION**

**WAC 173-510-030 ESTABLISHMENT OF INSTREAM FLOWS.** (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township, and Range	Affected Stream Reach(es)
12-0965.00 Upper Puyallup River	12.2 25-20-4E	Confluence with Puyallup River to the headwaters including all tributaries
12-0957.00 Carbon River	0.1 13-19-4E	From the confluence with the White River to the headwaters including all tributaries, excluding the Carbon River.
12-1015.00 Lower Puyallup River	6.6 20-20N-R4E	From the influence of mean annual high tide at low base flow levels to the confluence with the White River including all tributaries and excluding the White River.

(2) Instream flows are established for the stream management units in WAC 173-510-030(1) as follows:

Instream Flows in the Puyallup River Basin

(in cubic feet per second)

Month	Day	12-0965.00 Puyallup River (At Alderton)	12-1015.00 Puyallup River	12-0957.00 Carbon River
Jan	1	700	1400	600
	15	700	1400	550
Feb	1	750	1400	550
	15	800	1500	550
Mar	1	800	1600	550
	15	850	1700	550

Instream Flows in the Puyallup River Basin

Low Flow Limitations

		(in cubic feet per second)		
Month	Day	12-0965.00 Puyallup River (At Alderton)	12-1015.00 Puyallup River	12-0957.00 Carbon River
Apr	1	900	1800	600
	15	950	1900	700
May	1	950	2000	900
	15	1000	2000	900
Jun	1	1050	2000	600
	15	1050	2000	500
Jul	1	1050	2000	450
	15	1050	1750	400
Aug	1	900	1500	350
	15	800	1300	350
Sep	1	600	1150	350
	15	500	1000	350
Oct	1	500	1000	350
	15	500	1000	550
Nov	1	600	1000	550
	15	700	1100	600
Dec	1	700	1200	700
	15	700	1300	700

Stream Number Stream Name Section, Township, Range of Stream Mouth or Lake Outlet	Limitation
NW1/4SW1/4, Sec. 33, T.19N., R.5E	
10.0402 Unnamed stream, (Van Ogle Creek) tributary to Puyallup River NW1/4SE1/4, Sec. 30, T.20N, R.5E	No diversion when discharge into the Puallup River drops to 1.0 cfs.
Unnamed stream, (Canyon Creek) tributary to Puyallup River SE1/4NE1/4, Sec. 24, T. 20N, R.3E	No diversion when flow falls to 1.0 cfs.

(2) The following stream and lake closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Surface Water Closures

Stream Number Stream Name Section, Township, Range	Date of Closure	Period of Closure
10.0414 Voight Creek, tributary to Carbon River NW1/4SW1/4, Sec. 33, T.19N., R.5E	2/26/75	All year
10.0589 Unnamed stream (Lawrence Creek), tributary to Puyallup River NW1/4NE1/4, Sec. 25, T.19N, R.4E	2/26/75	All year
Unnamed springs, tributary to Puyallup River SE1/4,NE1/4, Sec. 35, T.20N, R.4E	12/14/64	All year
10. 0006 Hylebos Creek Hylebos Creek, drains into Commencement Bay and Puget Sound NW1/4NE1/4,Sec. 27, T.21N, R.3E	4/26/76	All year
10.0406 Fennel Creek, tributary to Puyallup River SE1/4SE1/4, Sec. 6, T.19N, R.5E	2/26/75	All year
North Lake Sec. 15, T.21N, R.4E	8/19/47	All year

(3) Instream flow hydrographs, as represented in the document entitled "Puyallup River Basin Instream Resource Protection Program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-510-030(2).

(4) All consumptive water rights hereafter established shall be expressly, subject to instream flows established in WAC 173-510-030(1) through (3).

(5) At such time as the department of fisheries and/or department of game and the department of ecology shall agree that additional stream management units should be identified other than those specified in WAC 173-510-030(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall further protect instream flows where possible for those stations as provided in chapters 90.22 RCW and 90.54 RCW.

(3) The department, having determined that further consumptive appropriations would harmfully impact instream values, closes the following streams and lakes in WRIA 10 to further consumptive appropriations.

New Surface Water Closures

Stream Number Stream or Lake Name Section, Township, Range of Stream Mouth or Lake Outlet	Period of Closure
10.0429 South Prairie Creek and all tributaries, tributary to Carbon River SW1/4SE1/4, Sec. 27, T.19N, R.5E	All year
10.0027 Clarks Creek and all tributaries, tributary to Puyallup River NE1/4NE1/4,Sec. 19, T.20N, R.4E	All year
10.0600 Kapowsin Creek and all tributaries, tributary to Puyallup River SW1/4SW1/4, Sec. 20, T.18N, R.5E	All year
10.0031 -0397 White River and all tributaries SW1/4SE1/4, Sec 23, T.20N, R.4E	All year
Kapowsin Lake SE1/4NE1/4, Sec. 5, T.17N., R.5E	All year
10.0603 -0607 Ohop Creek and all tributaries source of Kapowsin Lake SE1/4NW1/4, Sec. 18, T.17N., R.3E	All year
10.0022	All year

NEW SECTION

WAC 173-510-040 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATIONS. (1) The department of ecology, having determined unlimited consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Low Flow Limitations

Stream Number Stream Name Section, Township, Range of Stream Mouth or Lake Outlet	Limitation
10.0594 Unnamed stream, tributary to Puyallup River NE1/4SE1/4, Sec. 8, T.18N, R.5E	No diversion when flow falls to 0.10 cfs.
10.0415 Unnamed stream, (Taylor Creek) tributary of Carbon River	No diversion when flow falls to 1.0 cfs.

New Surface Water Closures

Stream Number Stream or Lake Name Section, Township, Range of Stream Mouth or Lake Outlet	Period of Closure
Clear Creek and all tributaries, tributary to Puyallup River NW1/4SW1/4, Sec. 11, T.20N., R.3E	
10.0410 Canyon Falls Creek and all tributaries, tributary to Puyallup River Sec. 7, T.19N., R.5E	All year
10.0596 Fiske Creek and all tributaries, tributary to Puyallup River SW1/4SW1/4, Sec. 17, T.18N., R.5E	All year
10.0006 Hylebos Creek and all tributaries, tributary to Commencement Bay NW1/4NE1/4, Sec. 27, T.21N., R.3E	All year
10.0620 Le Dout Creek and all tributaries, tributary to Puyallup River NW1/4NW1/4, Sec. 28, T.17N., R.6E	All year
10.0622 Niesson Creek and all tributaries, tributary to Puyallup River NE1/4SE1/4, Sec. 33, T.17N., R.6E	All year
10.0017 Wapato Creek and all tributaries, tributary to Commencement Bay NW1/4SW1/4, Sec. 27, T.21N., R.3E	All year
10.0035 Unnamed Stream (Strawberry Creek), (Salmon Creek) and all tributaries, tributary to White River NE1/4SE1/4, Sec. 13, T.20N., R.4E	All year
10.0621 Kellogg Creek and all tributaries, tributary to Puyallup River SE1/4SW1/4, Sec. 28, T.17N., R.6E	All year

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 173-510-050 GROUND WATER. In future permitting actions relating to ground water withdrawals, particularly from shallow aquifers, a determination shall be made as to whether the proposed withdrawal will have a direct, and measurable, impact on stream flows in streams for which closures and instream flows have been adopted (WAC 173-510-040). If the determination affirms such interrelationship, the provisions of WAC 173-510-040 shall apply.

NEW SECTION

WAC 173-510-060 LAKES. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-510-070 EXEMPTIONS. (1) Nothing in this chapter shall affect water rights, riparian, appropriate, or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to

the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Domestic in-house use for a single residence and stock watering shall be exempt except that use related to feedlots.

NEW SECTION

WAC 173-510-080 FUTURE RIGHTS. No rights to divert or store public surface waters of the Puyallup WRIA 10 shall hereafter be granted which shall conflict with the purpose of this chapter as stated in WAC 173-510-02.

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 173-510-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-510-100 REGULATION REVIEW. The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.

**WSR 80-04-048**

**ADOPTED RULES**

**DEPARTMENT OF ECOLOGY**

[Order DE 80-6—Filed March 21, 1980]

I, Elmer C. Vogel, deputy 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.

This action is taken pursuant to Notice No. WSR 80-02-097 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.110, 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 March 20, 1980.

by Elmer C. Vogel  
Deputy Director

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 80-04-049**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 80-7—filed March 21, 1980]

I, Elmer C. Vogel, deputy 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.

This action is taken pursuant to Notice No. WSR 80-02-095 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 20, 1980.  
 By Elmer C. Vogel  
 Deputy Director

**Reviser's Note:** The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 80-04-050**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 80-8—filed March 21, 1980]

I, Elmer C. Vogel, deputy 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.

This action is taken pursuant to Notice No. WSR 80-02-096 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 20, 1980.  
 By Elmer C. Vogel  
 Deputy Director

**Reviser's Note:** The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 80-04-051**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1496—filed March 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:

Amd ch. 388-54 WAC Food assistance programs.  
 Rep WAC 388-28-576 Tax Reduction Act of 1975—Payments disregarded.

This action is taken pursuant to Notice No. WSR 80-02-143 filed with the code reviser on February 4, 1980. 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 March 19, 1980.  
 By N. S. Hammond  
 Executive Assistant

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-28-576 TAX REDUCTION ACT OF 1975—PAYMENTS DISREGARDED.

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 nonhousehold 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)) Moneys 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.

**WSR 80-04-052**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 96—Filed March 21, 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 closure of the Puyallup River Watershed and including Marine Area 11A to the taking of steelhead trout, new section WAC 232-32-125.

I, Ralph W. Larson, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-125 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 exchanged between the Department of Game and the Puyallup Tribe indicate that all harvestable numbers of steelhead have been taken by the combined sport (1,999) and Treaty Indian (43) fisheries. Thus an immediate

conservation closure is necessary to insure conservation of steelhead stocks. Such closure will not result in overescapement.

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 March 21, 1980.

John Douglas  
for Ralph W. Larson

NEW SECTION

**WAC 232-32-125 CLOSURE OF THE PUYALLUP RIVER WATERSHED AND INCLUDING MARINE AREA 11A TO THE TAKING OF STEELHEAD TROUT.** *It shall be unlawful for all persons to take, fish for, or possess steelhead trout in the Puyallup River watershed and Marine Area 11A: effective 6:00 p.m., Sunday, March 23, 1980.*

**WSR 80-04-053**  
**EMERGENCY RULES**  
**GAMBLING COMMISSION**  
[Order 100—Filed March 21, 1980]

Be it resolved by the Washington State Gambling Commission acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-25-030 and 230-40-010.

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 because it is difficult to predict with precision how much an organization may receive, less payouts, from a fund raising event, a significant number of licensees have exceeded the \$5000 limit of RCW 9.46.020(23) prior to a final activity disposing of the excess. Because of the tremendous increase in the number of applications for licenses for these events for the next few months, especially by organizations with little or no experience in running them, the Commission deems it necessary to impose this requirement immediately, which will mandate the organization protect themselves against receiving, inadvertently, more income than is permitted and

thereby perhaps committing a serious crime. This emergency pertains to WAC 230-25-030.

Because these games (which are simply similar variations of "hold em" to variations of certain other poker games already permitted) are becoming so popular, the Commission believes it disadvantages both the public and the card room operator to delay their authorization any longer than necessary. This emergency pertains to WAC 230-40-010.

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

These rules are promulgated pursuant to RCW 9.46.070(10) 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 March 13, 1980.

By Fred E. Haggard  
Chairman

**AMENDATORY SECTION** (Amending Order #87, filed 10-20-78)

**WAC 230-25-030 FUND RAISING EVENT - FIVE THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM.** No licensee authorized to conduct one fund raising event for a period of three consecutive days once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

No licensee authorized to conduct a fund raising event on two occasions during a calendar year for not more than one calendar day each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed five thousand dollars at the end of any calendar day upon which such event is conducted, or during the calendar year in which such activity is authorized.

The licensee shall develop and post conspicuously and in detail in the area in which the gambling is taking place (~~any and all~~) a scheme(s) for the distribution to the participants in the event of any receipts beyond those permitted by law and shall offer all participants at the event an equal opportunity to participate in such scheme (~~or schemes~~).

Winners of all prizes shall be determined during the fund raising event. All prizes shall be paid or distributed to the winners not later than 30 calendar days following the conclusion of the event.

**AMENDATORY SECTION** (Amending Order 78, filed 11-17-77)

**WAC 230-40-010 TYPES OF CARD GAMES AUTHORIZED.** The commission hereby authorizes the following card games to be played in public card rooms and social card rooms licensed by the commission:

- (1) Poker.
  - (a) Five card stud poker,
  - (b) Five card draw poker,
  - (c) Either of the above but with low ball object,
  - (d) Seven card stud poker, with high or low ball object,
  - (e) Five card high-low draw poker,
  - (f) Five card high-low stud poker,
  - (g) High-low seven card stud,
  - (h) Six card stud,
  - (i) High-low six card stud,
  - (j) Hold 'Em(-:),
  - (k) Hold 'Em, but with a low ball object,
  - (l) Hold 'Em, but with both a high and low ball object.

- (2) Hearts.
- (3) Bridge.
- (4) Pinochle.
- (5) Cribbage.
- (6) Rummy.
- (7) Mah-jongg (tiles).
- (8) Coon-Can.
- (9) Pan.
- (10) Pitch.

Card games not herein authorized are prohibited. In poker games wherein there may be both a "high" winner and a "low" winner the licensee may establish a specific minimum hand which is necessary to qualify to be a "low" winner. Any such specific minimum requirement shall be posted on the premises where it can be clearly seen by players in that card game.

WSR 80-04-054

ADOPTED RULES  
DEPARTMENT OF LICENSING

(Board of Optometry)

[Order PL 331—Filed March 21, 1980]

Be it resolved by the Washington State Board of Optometry, acting at Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to credit for reports, credit for preprogrammed educational material, practice under trade name; adding new sections WAC 308-53-145, 308-53-146 and 308-53-280.

This action is taken pursuant to Notice No. WSR 80-01-103 filed with the code reviser on 1/2/80. 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 Board of Optometry as authorized in RCW 18.54.070(5).

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 28, 1980.

By P. Berman DO  
Chairperson

Washington State Board of Optometry

#### NEW SECTION

##### WAC 308-53-145 CREDIT FOR REPORTS.

Continuing education credit may be given for reports on professional optometric literature. Such report shall list ten (10) basic statements from an article(s) or sequence of articles for each hour of credit. Such report shall be submitted typewritten to the Department of Licensing, Professional Licensing Division in Olympia. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Literature utilized shall not be issuance dated over two years on the date of submission of the report for credit. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s). A copy of the article utilized shall be submitted whenever possible.

The combined maximum continuing education credit that may be granted under this section and WAC 308-53-146 is twenty (20) percent for every two-year requirement period.

#### NEW SECTION

WAC 308-53-146 CREDIT FOR PREPROGRAMMED EDUCATIONAL MATERIALS. Continuing education credit may be granted for observation and participation in the use of formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc. Preprogrammed educational materials utilized shall not be issuance dated over two years on the date of submission of the preprogrammed educational material for credit. The doctor of optometry shall list the title of the preprogrammed educational material, the date of issuance of the preprogrammed educational material, the author/provider, and the length of time viewing/listening to the preprogrammed educational material. A synopsis of the preprogrammed material utilized shall be submitted.

The combined maximum continuing education credit that may be granted under this section and WAC 308-53-145 is twenty (20) percent for every two-year requirement period.

#### NEW SECTION

WAC 308-53-280 PRACTICE UNDER TRADE NAME. The practice of optometry must be under the name of the licensed doctor of optometry and the practice of optometry under a trade name is prohibited except where an optometrist is associated with a non-profit organization, or is associated with allied health care practitioners such as medical, dental and osteopathic professionals, or where the term "clinic" is used in conjunction with an in-state geographical location or an optometrist's name in nondeceptive manners.

WSR 80-04-055

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1495—Filed March 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 reimbursement for damage or loss caused by child in foster family care, new WAC 388-70-058.

This action is taken pursuant to Notice No. WSR 80-02-032 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 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 March 19, 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 79-81 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 80-04-056**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
**[Filed March 24, 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 March 17 to June 16;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, June 16, 1980, 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, 80-01-015, and 80-02-142 filed with the code reviser's office on 10/30/79, 12/13/79, and 2/4/80.

Dated: March 17, 1980

By: N. S. Hammond  
 Executive Assistant

**WSR 80-04-057**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**AND CHIROPRACTIC EXAMINERS BOARD**  
**[Order 337—filed March 24, 1980]**

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating 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.

This action is taken pursuant to Notice No. WSR 80-02-166 filed with the code reviser on 2/6/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.24.140 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 March 17, 1980.

By R. Y. Woodhouse  
 Director

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 80-04-058**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—March 21, 1980]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn, beginning at 9:30 a.m. on Thursday, April 10, 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 80-04-059**  
**ADOPTED RULES**  
**COMMUNITY COLLEGE DISTRICT 12**  
 [Order 80-20, Resolution 80-20—Filed March 24, 1980]

Be it resolved by the board of trustees of Community College District 12, acting at Olympia Technical Community College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations, WAC 132L-30-010 through 300.

This action is taken pursuant to Notice No. WSR 80-02-046 filed with the code reviser on 1/14/80. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Community College District 12 as authorized in chapters 25B.50[28B.50] and 28B.10 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 March 13, 1980.

By Nels W. Hanson  
 District President

Chapter 132L-30 WAC

**PARKING AND TRAFFIC REGULATIONS**  
**OLYMPIA TECHNICAL COMMUNITY COLLEGE**

NEW SECTION

WAC 132L-30-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC REGULATIONS. Pursuant to the authority granted RCW 28B.50.140(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.

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 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 buildings 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 September 15 through September 14. Annual permits are sold through 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) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit.

(12) "Vehicle" shall mean an automobile, truck, motor-driven cycle, scooter or any vehicle otherwise powered.

(13) "Full-time Student" shall mean any person who is enrolled for 10 credit hours or more in any community college operated by Community College District 12.

(14) "Part-time student" shall mean any person who is enrolled for 9 credit hours or less in any community college operated by Community College District 12.

(15) "Full-time employee" shall mean any administrator, classified staff, faculty, counselor, librarian, or District 12 officer employed 20 hours or more per week on a permanent regular basis.

(16) "Part-time employee" shall mean any administrator, classified staff, faculty, counselor, librarian, or District 12 officer employed 19 hours or less per week.

**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-30-040 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 PARKING FEES FOR VEHICLE PERMITS.** All part-time and full-time employees and District officers of Community College District 12 shall obtain and display valid parking permits on all vehicles driven or parked upon the Olympia Technical Community College campus in accordance with WAC 132L-30-040.

All part-time and full-time students of Community College District 12 shall obtain and display a valid parking permit on all vehicles driven or parked upon the Olympia Technical Community College campus in accordance with WAC 132L-30-040.

All persons parking on the campus shall secure and display a valid parking permit within five (5) academic days from date of registration.

#### NEW SECTION

**WAC 132L-30-060 PARKING FEE EXCEPTIONS.** 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, television, 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.

(8) Students and faculty participating in Friday evening (after 4:30 P.M.) and/or weekend classes only.

#### NEW SECTION

**WAC 132L-30-070 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 said 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-30-080 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-30-090 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-30-100 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-30-110 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-30-120 RIGHT TO APPEAL PERMIT REVOCATION/REFUSAL. When a parking permit has been recalled pursuant to WAC 132L-30-100 or has been refused in accordance with WAC 132L-30-110 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 in accordance with WAC 132L-30-180.

#### NEW SECTION

WAC 132L-30-130 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-30-140 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.

**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-30-150 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.

#### NEW SECTION

WAC 132L-30-160 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.

**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-30-170 FINES AND PENALTIES. 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 impounding 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 Board of Trustees. 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 violations will be assessed in accordance with the fees and fines schedules as established by the Board of Trustees:

(a) Permit not displayed.

(b) Occupying more than one parking space

(c) Occupying space not designated for parking

(d) Parking in area not authorized by permit

(e) Parking in reserved staff (after warnings may be towed)

(f) Blocking or obstructing traffic (after warnings may be towed)

(g) Parking adjacent to fire hydrant (after warnings may be towed)

(h) Parking in fire lane (after warnings may be towed)

(i) Parking in zone or area marked no parking

(j) Failure to yield right-of-way

(k) Failure to stop at sign or signal

(l) Reckless or negligent driving

(m) Other violations of college parking regulations and its objectives

(n) Removal of immobilizing device

#### NEW SECTION

WAC 132L-30-180 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 witnesses, 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 the Dean of Students to appeal to the Parking Advisory Committee.

#### NEW SECTION

WAC 132L-30-190 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) To receive and hear appeals related to parking grievances. All decisions made by the Parking Advisory Committee relative to traffic appeals shall be final.

(3) Membership shall consist of:

Four student representatives (two in student senate) appointed by the ASB President

Two faculty representatives – appointed by faculty president of OTCC

One classified representative – elected by simple majority of voting classified staff

Dean of Administrative Services – Ex Officio

#### NEW SECTION

WAC 132L-30-200 LIABILITY OF COLLEGE. The college assumes no liability under any circumstances for vehicles on campus.

#### NEW SECTION

WAC 132L-30-210 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-30-220 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-30-230 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The Dean of Administrative Services is 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 or vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus patrolman in the control and regulation of traffic.

#### NEW SECTION

WAC 132L-30-240 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.

#### NEW SECTION

WAC 132L-30-250 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-30-260 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-30-270 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-30-280 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-30-290 AUTHORITY TO ESTABLISH PARKING FEE. The Board of Trustees for

Community College District 12 shall set and review as necessary parking permit fees in accordance with WAC 132L-30-300 and a schedule of fines and penalties in accordance with WAC 132L-30-170.

#### NEW SECTION

WAC 132L-30-300 PARKING PERMIT FEES. Fees shall be levied in accordance with the following:  
Annual permit full-time permanent employees  
Quarterly permit full-time employees and students  
Quarterly permit part-time employees and students  
Second vehicle permits  
Replacement permits

#### **WSR 80-04-060**

#### **ADOPTED RULES**

#### **COMMUNITY COLLEGE DISTRICT 12**

[Order 80-21, Resolution 80-21—Filed March 24, 1980]

Be it resolved by the board of trustees of Community College District 12, acting at Olympia Technical Community College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to leave policies, chapter 132L-112 WAC.

This action is taken pursuant to Notice No. WSR 80-02-047 filed with the code reviser on 1/14/80. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Community College District 12 as authorized in chapters 28B.50 and 28B.10 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 March 13, 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 (~~180~~) one hundred seventy-seven 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))~~ and administrative employees shall be granted fifteen ~~((+5))~~ days upon the first day on which their initial assignment begins. After three ~~((3))~~ quarters of employment, 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. Such leave may be taken at any time subject to the following conditions and in compliance with the approval procedures set forth.

AMENDATORY SECTION (Amending Order 76-66, filed 3/22/77)

WAC 132L-112-230 PROCEDURES OF OBTAINING LEAVES 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:

- (a) The nature of the leave;
  - (b) The most appropriate coverage of the faculty member's assigned duties;
  - (c) The estimated leave time;
  - (d) When feasible, where the faculty member may be reached during such leave.
- (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) Exception(s): 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.

~~((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.)~~

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) ~~((+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 day of entitlement earned during each month of employment shall be credited to the compensation account, and all days earned in excess of one 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 day per month of full-time employment shall be credited to the compensation account. Any days accrued in excess of one 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 sixty 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 twenty-five percent (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 twelve days of any sick leave used during the previous year shall be drawn from the days accumulated in the compensation account during that same year and days in excess of twelve 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 day per month or the one hundred eighty-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 twenty-five percent. 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.

(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 RE-EMPLOYMENT. (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.

## WSR 80-04-061

### ADOPTED RULES

### DEPARTMENT OF AGRICULTURE

[Order 1681—Filed March 25, 1980]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to requiring cleaning and disinfecting of vehicles, adopting new section WAC 16-86-055.

This action is taken pursuant to Notice No. WSR 80-02-168 filed with the code reviser on 2/6/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 16.36 and 16.40 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 March 25, 1980.

By Bob J. Mickelson  
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 80-04-062**  
**PROPOSED RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Filed March 25, 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 sale of second class shorelands;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 29, 1980, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-11-151 and 80-03-001 filed with the code reviser's office on November 7, 1979 and February 7, 1980.

Dated: March 25, 1980  
 By: Bert L. Cole  
 Commissioner of Public Lands and  
 Secretary, Board of Natural Resources

**WSR 80-04-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-16—Filed March 25, 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 field monitoring has shown that set net fishing in Agate Passage at this time targets on Pacific Cod and that no commercial quantities of dogfish are present. This regulation is necessary to preserve Pacific cod stocks which cannot support this type of fishery. Closure of portions of southern Puget Sound are necessary to protect cod and rockfish stocks which have been harvested in large quantities by dogfish set nets.

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 March 25, 1980.  
 By Gordon Sandison  
 Director

NEW SECTION

WAC 220-48-09600E SET NET — DOGFISH, CLOSED AREAS Notwithstanding the provisions of WAC 220-48-096:

(1) effective immediately until further notice it shall be unlawful to take, fish for, or possess dogfish or other species of bottomfish, taken for commercial purposes with set net gear in that portion of Marine Fish-Shellfish Area 26B west of a line projected true north from Agate Point and that portion of Marine Fish-Shellfish Area 26C north of a line projected true east from Point Bolin.

(2) effective 12:01 a.m. March 28, 1980, it shall be unlawful to take, fish for or possess dogfish or other species of bottomfish for commercial purposes with set net gear in that portion of Marine Fish-Shellfish Area 26D southerly of a line projected from Dash Point to Point Piner on Maury Island, southerly of a line projected from Point Dalco on Vashon Island to Point Defiance and south of a line projected true west from Pt. Defiance to the Kitsap Peninsula; and that portion of Area 28A northerly of a line projected from Fox Point on Fox Island true east to the mainland and easterly of a line projected from the northwest point on Fox Island true north to the mainland.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-48-09600D SET NET — DOGFISH,  
 CLOSED AREA (80-  
 13)

**WSR 80-04-064**  
**PROPOSED RULES**  
**WASHINGTON STATE UNIVERSITY**  
 [Filed March 25, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, 28B.30.125 and 28B.30.150, that the Board of Regents of Washington State University intends to adopt, amend, or repeal rules concerning prohibition of discriminatory practices;

that such institution will at 12 noon, April 14, 1980, in the Wilson Compton Union Building, Pullman campus, Washington State University, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., June 6, 1980, in the Wilson Compton Union Building, Pullman campus, Washington State University.

The authority under which these rules are proposed is RCW 28B.30.125 and 28B.30.150.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 15, 1980, and/or orally at 12 noon, April 14, 1980, Wilson Compton Union Building, Pullman campus, Washington State University.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-03-072 filed with the code reviser's office on February 29, 1980.

Dated: March 19, 1980

By: Wallis Beasley  
Executive Vice President

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-20-005 DISCRIMINATION PROHIBITED. (~~((The state of Washington has prohibited))~~) Discrimination on the basis of race, national origin, creed, age, sex, sexual preference, marital status, (~~((and handicaps))~~) or handicap is prohibited at Washington State University. The university is committed to full support of (~~((these state laws and policies))~~) this rule and the State Human Rights Law (chapter 49.60 RCW), and will take corrective and/or (~~((punitive))~~) disciplinary action against individuals or groups which deprive (~~((the individual))~~) other persons of civil rights, educational (~~((and))~~) or employment opportunities, housing, or (~~((which))~~) in any way impede(~~((s))~~) hinder(~~((s))~~), delay(~~((s))~~), or restricts (~~((s the individual's))~~) any person's membership, rights, privileges, or subsequent full participation in any activities of recognized university organizations in violation of this rule. (~~((f))~~) This rule as it pertains to sex does not obligate male or female living groups, such as fraternities and sororities or similar organizations, to pledge or initiate members of the opposite sex, nor obligate the university to permit cohabitation of unmarried males and females in university housing. (~~((j))~~)

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.

**WSR 80-04-065**  
**NOTICE OF PUBLIC MEETINGS**  
**ADVISORY COUNCIL**  
**ON VOCATIONAL EDUCATION**  
[Memorandum—March 25, 1980]

The next regular meeting of the Washington State Advisory council on Vocational Education is to be held Friday, April 25, 1980. The Advisory Council will hold its meeting in the Administrative Offices of community College District 17, N. 2000 Greene Street, Spokane, Washington. The meeting will begin at 9:30 a.m.

**WSR 80-04-066**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**  
[Resolution 282—Filed March 26, 1980]

Be it resolved by the Board of Natural Resources, Department of Natural Resources, acting at Olympia,

Washington, that it does promulgate and adopt the annexed rules relating to establishing temporary fees to be charged by the Commissioner of Public Lands for services performed, adopting WAC 332-10-150, 332-10-160, 332-10-170, 332-10-180 and 332-10-190.

We, The Board of Natural Resources, 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 ability to change fees for services rendered pursuant to chapter 109, Laws of 1979 1st ex. sess. and the emergency rules relating to changes for services performed by the Commissioner of Public Lands ceases to be effective on March 26, 1980. Pursuant to chapter 109, Laws of 1979 1st ex. sess. the Board of Natural Resources is to promulgate rules relating to leasing of public lands and establish fees for services performed by the Commissioner of Public Lands.

Sections 2 and 18 of the new law requires that fees for each category of services performed must be based on "costs incurred". Studies to determine "costs incurred" are under way, but cannot be completed in time to promulgate permanent rules by March 26, 1980. Unless emergency rules are adopted, there will be no provision for charging for services performed by the Commissioner of Public Lands.

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

This rule is promulgated pursuant to chapter 109, Laws of 1979 1st ex. sess. which directs that the Department of Natural Resources has authority to implement the provisions of chapter 109, 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 March 4, 1980.

By Bert L. Cole  
Secretary  
Board of Natural Resources

NEW SECTION

WAC 332-10-150 PROMULGATION. Pursuant to chapter 109, Laws of 1979, 1st ex. sess., the board of natural resources promulgates the following regulations, WAC 332-10-150 through 332-10-190 establishing charges for services performed by the commissioner of public lands. These regulations shall become effective on December 26, 1979.

**NEW SECTION**

**WAC 332-10-160 DEFINITION.** (1). "Fee" shall mean a charge for services performed by the commissioner of public lands through the department of natural resources.

(2) "Public agency" shall be defined as set forth in RCW 39.34.020.

(3) "Application fee" shall mean the application to lease public land for any purpose except mineral, coal and oil and gas.

**NEW SECTION**

**WAC 332-10-170 FEES FOR PERFORMING THE FOLLOWING SERVICE.** A fee will be collected and transmitted to the state treasurer as required by law:

- (1) Five dollars for the issuance of:
  - (a) Original contract of sale.
  - (b) Original Bill of sale.
  - (c) Original Lease
  - (d) Original Deed
  - (e) Original Harbor area lease and approval of bond.
  - (f) Original Right of way certificate
  - (g) Lieu contract of sale.
  - (h) Lieu lease (except mineral, coal and oil and gas).
- (2) Five dollars for the approval of:
  - (a) Assignment of contract of sale.
  - (b) Assignment of lease (any kind).
  - (c) Assignment of bill of sale.
- (3) One dollar for certification of any document.
- (4) Fifteen cents per page for copies of record or documents.

**NEW SECTION**

**WAC 332-10-180 APPLICATION FEE.** The applicant to lease any public land shall pay a five dollar application fee which will be forwarded to the state treasurer as required by law. The application fee is not refundable and will not be used to pay a portion of the annual rental.

**NEW SECTION**

**WAC 332-10-190 EXCEPTIONS.** Public agency will be exempt from paying for the service performed as set forth in WAC 332-10-170 and 332-10-180.

**WSR 80-04-067  
PROPOSED RULES  
DEPARTMENT OF NATURAL RESOURCES  
[Filed March 26, 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, April 29, 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.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071, 79-11-137, 80-02-015, 80-03-002 and 80-04-001 filed with the code reviser's office on September 19, 1979, November 7, 1979, January 8, 1980, February 8, 1980 and March 25, 1980.

Dated: March 25, 1980  
By: Bert L. Cole  
Commissioner of Public Lands  
Secretary, Board of Natural Resources

**WSR 80-04-068  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Examining Board of Psychology)  
[Filed March 26, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Examining Board of Psychology intends to adopt, amend, or repeal rules concerning written examination of psychologists, amending WAC 308-122-220 and 308-122-410 (copy of rules is shown below, however, changes may be made at the public hearing);

that such agency will at 9:00 a.m., Friday, June 6, 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 9:00 a.m., Friday, June 6, 1980, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.83.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 2, 1980, and/or orally at 9:00 a.m., Friday, June 6, 1980, Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: March 26, 1980  
By: Yvonne Braeme  
Executive Secretary

**AMENDATORY SECTION (Amending PL #309, filed 7/9/79)**

**WAC 308-122-220 PSYCHOLOGISTS-WRITTEN EXAMINATION.** Written examination requirements: The written examination that is used in the state of Washington is the examination of Professional Practice of Psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including inter-disciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is ~~((the current national mean, as achieved by doctorates taking the examination for the first time))~~ 75% of the raw score.

**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 PL #309, filed 7/9/79)

WAC 308-122-410 PSYCHOLOGISTS-WRITTEN EXAMINATION. The applicant must satisfactorily pass the written examination developed by the professional testing service of the ~~((a))~~ American ~~((s))~~ Association of ~~((p))~~ State ~~((b))~~ Psychology ~~((b))~~ Boards. The cutting score for the written examination shall be ~~((the current national mean, as achieved by doctorates taking the examination for the first time))~~ 75% of the raw score. 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.

**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 80-04-069

##### ADOPTED RULES

#### DEPARTMENT OF LICENSING

(Board of Examiners for Nursing Home Administrators)

[Order 338—Filed March 26, 1980]

Be it resolved by the Board of Examiners of Nursing Home Administrators, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to continuing education requirements, amending WAC 308-54-150.

This action is taken pursuant to Notice No. WSR 80-02-163 filed with the code reviser on 2/6/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.52.110 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 March 18, 1980.

By Stanley R. Haskins  
Executive Secretary

#### 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 on 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.

#### WSR 80-04-070

##### ADOPTED RULES

#### DEPARTMENT OF FISHERIES

[Order 80-17—Filed March 26, 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.

This action is taken pursuant to Notice No. WSR 80-02-177 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 24, 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.

**WSR 80-04-071**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
 [Filed March 27, 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 new sections, WAC 360-11-023 Applications—Post-approval of continuing education credits; WAC 360-11-027 Continuing education program providers' responsibilities; WAC 360-11-033 Credit for continuing education; WAC 360-11-037 Credit for individual study programs; WAC 360-11-045 Pharmacist audits—Disallowed credit; amending WAC 360-11-010, 360-11-030, 360-11-040 and 360-11-060; and repealing WAC 360-11-050;

that such agency will at 9:00 a.m., Thursday, May 22, 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, May 22, 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(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 22, 1980, and/or orally at 9:00



a.m., Thursday, May 22, 1980, Burien Police Station,  
14905 6th Avenue S.E., Burien, WA 98166.

Dated: March 27, 1980

By: David C. Campbell, Jr.  
Executive Secretary

#### NEW SECTION

WAC 360-11-023 APPLICATIONS FOR APPROVAL AS A PROVIDER OF CONTINUING EDUCATION—POST-APPROVAL OF CONTINUING EDUCATION CREDITS. (1) Applications for approval as a provider of Continuing Education or for post-approval of continuing education credit shall be made on the form provided for this purpose by the Washington State Board of Pharmacy.

(2) In the case of an application for provider approval, the application form shall be submitted 30 days prior to the date the program will be held; Provided, however, that the board may waive the requirement that an application be filed 30 days prior to the date of the program on good cause shown in an individual case.

(3) In the case of an application for post-approval of continuing education credits for a pharmacist who has attended a worthy program for which the provider has not obtained approval, the pharmacist must file application for this approval within 30 days following the program.

(4) All programs approved by the American Council on Pharmaceutical Education are accepted for continuing education credit and do not require that an individual provided approval be obtained in each case.

#### NEW SECTION

WAC 360-11-027 CONTINUING EDUCATION PROGRAM PROVIDERS' RESPONSIBILITIES. (1) A continuing education provider shall supply each attendee or subscriber with a written program description which lists the topic(s) covered, number of speakers or authors, time devoted to the program topic(s), and the instructional objectives of the program. The program description must also bear a statement of the number of hours of continuing education credit assigned by the provider.

(2) The provider must make available to each attendee or subscriber proof of attendance or participation suitable for verifying to the board the completion of continuing education requirements.

(3) The provider shall retain, for a period of two years, a list of persons to whom proof of attendance or participation as specified in (2) above was supplied. Providers of non-evaluated self-instruction units shall be exempt from this requirement.

#### NEW SECTION

WAC 360-11-033 CREDIT FOR CONTINUING EDUCATION. (1) One hour of continuing education credit will be awarded for each hour of proven attendance at lectures, short courses, workshops, conferences, etc., given by academic institutions or by professional associations utilizing either faculty from academic institutions or recognized experts on the subject under discussion.

(2) One hour of continuing education credit will be awarded for each hour of proven attendance at both portions of regularly scheduled meetings of professional pharmacy groups, associations, or societies where speakers make presentations on topics of professional importance. Only those portions of meetings actually devoted to the presentation by the speaker may be used for credit. Such programs may be presented by any qualified speaker, including pharmacy school faculty, physicians, pharmacists or other appropriate professional persons.

(3) Programs which are acceptable for meeting continuing education requirements of other states will normally be acceptable to meet continuing education requirements in the state of Washington but credit for such programs will be subject to the limitations contained in these rules relating to evaluation and maximum hour allotments.

#### NEW SECTION

WAC 360-11-037 CREDIT FOR INDIVIDUAL STUDY PROGRAMS. (1) Individual study program of various types may be counted for continuing education credit. The amount of such credit which can be applied toward meeting the annual continuing education requirement will depend on whether the provider evaluates the users' mastery of the subject material.

(2) Self-instruction units such as audio tapes, video cassettes, audio tapes/slides, etc., may be counted on the basis of one hour of credit for each hour of actual viewing or listening time, provided there is a procedure conducted by the provider which evaluates learning and retention of information by the user. To obtain such credit, the pharmacist must be able to provide a certificate supplied by the program provider that he has satisfactorily achieved the goals of the learning unit.

(3) Correspondence courses available from recognized academic institutions which cover appropriate topics will be awarded continuing education credit on the basis of ten hours per unit credit awarded by the institution. It is also required that such correspondence courses evaluate the users learning and retention of information provided by the course.

(4) In cases where a user evaluation is not included as part of the self-instruction unit, credit will be accepted only to the extent of 25 percent of the total annual hours of continuing education requirement. Non-evaluated self-instruction includes audio tapes, video tapes, slide/tape programs, text, journals, etc. To obtain credit for a non-evaluated self-instruction program, a form available from the Washington State Board of Pharmacy must be filled out and returned to the board office. For articles, tapes, and related types of learning units, one hour of credit may be claimed for each hour of reading, viewing, or listening time. The board may waive the 25 percent maximum credit allowable on good cause shown in an individual case.

#### NEW SECTION

WAC 360-11-045 PHARMACIST AUDITS—DISALLOWED CREDIT. (1) The board may audit the documentation submitted by a pharmacist in support of continuing education requirements and may disallow credit for that portion which does not meet the requirements of these rules.

(2) Since individual pharmacist audits will usually be retrospective, it is recognized that disallowed credit may work hardship on the pharmacist involved. In cases where a pharmacist is audited and some or all credit is disallowed, the continuing education requirement for the following year will be increased by the amount of hours disallowed.

(3) A pharmacist who is audited and has credit disallowed will automatically be audited for three consecutive years. Failure to satisfy the continuing education requirement as a result of disallowed credit in two consecutive years will be considered a violation of these regulations and will be good and sufficient cause for imposition of disciplinary action by the board.

#### AMENDATORY SECTION (Order 147, filed March 27, 1979)

WAC 360-11-010 CONTINUING EDUCATION. (1) ~~((Commencing July 1, 1975, no))~~ No renewal certificate of registration shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the ~~((calendar year))~~ twelve months preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their ~~((certificate of registration))~~ license following graduation shall be exempt from the provisions of this regulation.

(2) Continuing education requirements must be submitted along with the license renewal application and fee. If the continuing education requirements are not complete the license renewal application will be returned once with an explanatory note. The license renewal will not be processed until complete.

(3) Each individual pharmacist is responsible for maintaining records which verify the continuing education requirements which are submitted in support of annual renewal of license. Records shall be retained for a minimum of two years.

(4) A pharmacist who desires to reinstate his or her license after having been unlicensed for over one year shall, as a condition to reinstatement of his or her license, complete such continuing education credits as may be specified by the board in each individual case.

#### AMENDATORY SECTION (Order 116, filed November 9, 1973)

WAC 360-11-030 INSTRUCTORS' CREDIT TOWARD CONTINUING EDUCATION UNIT. Any pharmacist whose primary responsibility is not the education of health professionals, who leads, instructs or lectures to groups of nurses, physicians, pharmacists or

others on pharmacy-related topics in organized continuing education or in-service programs shall be granted five hours of continuing education credit for ((such time expended during actual presentation,)) each hour of presentation for the original presentation. For each subsequent presentation one hour of continuing education will be given for each hour of presentation. This credit will be granted upon presentation of ((adequate)) documentation satisfactory to the board of pharmacy.

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

**AMENDATORY SECTION** (Order 116, filed November 9, 1973)

**WAC 360-11-040 AMOUNT OF CONTINUING EDUCATION.** Effective with the 1982 renewals ((F)) the equivalent of one and 1/2 continuing education unit (1.5 continuing education unit or 15 hours) of professional continuing education shall have been completed and shall be required annually of each applicant for renewal of licensure. One continuing education unit is the equivalent of ten hours of participation in continuing education programs approved by the board of pharmacy.

**AMENDATORY SECTION** (Order 116, filed November 9, 1973)

**WAC 360-11-060 ADVISORY COMMITTEE ON CONTINUING EDUCATION.** There is under the jurisdiction of the board of pharmacy an advisory committee on continuing education consisting of ten members appointed by the board of pharmacy. The membership shall consist of two members from the state board of pharmacy, two members from the faculties of colleges of pharmacy in the state and six practicing pharmacists within the state, two of whom must be hospital pharmacists. The two board members shall be nonvoting members. The advisory committee shall meet a minimum of once a year.

It shall be the duty of the advisory committee to recommend to the board the standards and specifications to be required of programs that may be acceptable for approval by the board to fulfill the continuing education requirement, the approval of the programs fulfilling the standards and specifications adopted, the number of continuing education units to be awarded for the satisfactory completion of approved programs, and such other matters that will assist the board in the implementation of the continuing education requirements for the relicensure of pharmacists.

**REPEALER**

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

**WAC 360-11-050 APPLICATION OF EXCESS CONTINUING EDUCATION UNITS.**

**WSR 80-04-072**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Nursing)**  
 [Order PL 339—Filed March 27, 1980]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to Approval of schools of nursing; WAC 308-120-100 Definitions; WAC 308-120-505 Philosophy governing approval of schools of nursing; WAC 308-120-506 Purposes of board approval of schools of nursing; WAC 308-120-507 Purpose, philosophy and objectives for approved schools of nursing; WAC 308-120-508 Organization and administration for approved schools of nursing; WAC 308-120-509 Resources, facilities and services for approval schools of nursing; WAC 308-120-

510 Nurse administrator for approved schools of nursing; WAC 308-120-511 Faculty for approved schools of nursing; WAC 308-120-512 Curriculum for approved schools of nursing; WAC 308-120-513 Students in approved schools of nursing; WAC 308-120-514 Program evaluation by approved schools of nursing; WAC 308-120-515 Reports to the board of nursing by approved schools of nursing; WAC 308-120-516 Survey visits; WAC 308-120-517 Board action following survey visits; WAC 308-120-518 Restoration of approval; WAC 308-120-519 Appeal of board decisions; WAC 308-120-520 Consultation services; WAC 308-120-521 Closure of an approved school of nursing; WAC 308-120-522 Establishment of a new school of nursing; repealing WAC 308-120-120, 308-120-130 and 308-120-140;

This action is taken pursuant to Notice No. WSR 80-02-091 filed with the code reviser on 1/23/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 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 March 21, 1980.

By Thelma Cleveland, R.N.

Chairman

Washington State Board of Nursing

**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) ((<sup>n</sup>"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) <sup>n</sup>"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) <sup>n</sup>"Tentative accreditation" — a new school of nursing which requires time to demonstrate its eligibility for accreditation.

(c) <sup>n</sup>"Continued accreditation" — accreditation continued for those schools which maintain the minimum standards.

(d) <sup>n</sup>"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 students.)) "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) (("Affiliation" = 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/he 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/he should never perform duties or functions beyond her/his educational and professional nursing preparation, as determined by the school in which she/he is enrolled. Supervision, direction and control shall include, but not be limited to, the following:

(i) 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/his 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 nursing 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/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he 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/his preparation as specified by her/his school of nursing.

~~((10))~~ (11) (("Definition 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.

~~((+)) "Registered nurse" as used in these rules shall mean a nurse as defined in RCW 18.88.030 and RCW 18.88.170:))~~

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-210 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, co-ordinator or chairperson.

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

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

#### NEW SECTION

WAC 308-120-505 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 308-120-506 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 308-120-507 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 308-120-508 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 308-120-509 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 308-120-510 NURSE ADMINISTRATOR FOR APPROVED SCHOOL 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 or public health 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 as a registered nurse 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 308-120-511 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) The baccalaureate degree in nursing shall be a minimum requirement for faculty appointment until January 1, 1985, at which time a minimum of a master's degree in nursing or public health shall be required.

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 308-120-512 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 308-120-513 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 equivalent of 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 308-120-514 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 308-120-515 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 308-120-516 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 308-120-517 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 improvements.

(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 308-120-518 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 308-120-519 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 308-120-520 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 308-120-521 CLOSURE OF AN APPROVED SCHOOL OF NURSING.** (1) When an organization 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) An organization 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 308-120-522 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 80-04-073**

**ADOPTED RULES**

**PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**  
(Order 80-2—Filed March 28, 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 impasse resolution procedures for uniformed personnel, WAC 391-21-700 et seq.

This action is taken pursuant to Notice No. WSR 80-02-156 filed with the code reviser on 2/6/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 March 21, 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 ~~((unitateral))~~ 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)

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#### 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 80-04-074**  
**EMERGENCY RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Order 80-3—Filed March 28, 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 impasse resolution procedures for uniformed personnel, WAC 391-21-700 et seq.

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 rules adopted to implement the provisions of chapter 184, Laws of 1979, 1st ex. sess. (SB 2852) effective September, 1979.

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 March 21, 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;

~~((f))~~ (7) Any other relevant information; and  
~~((f))~~ (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.~~

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#### 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 80-04-075**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed March 28, 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 356-06-020	Exemptions.
Amd	WAC 356-15-120	Special assignment pay provisions.
Amd	WAC 356-30-330	Reduction-in-force—Rules((—)), Regulations—Procedure.
Amd	WAC 356-46-060	Agencies—Personnel records;

that such agency will at 10:00 a.m., Thursday, May 8, 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, May 8, 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 May 6, 1980, and/or orally at 10:00 a.m., Thursday, May 8, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: March 27, 1980

By: Leonard Nord  
 Secretary

**AMENDATORY SECTION** (Amending Order 137, filed 11/13/79)

**WAC 356-06-020 EXEMPTIONS.** The provisions of this title do not apply to:

(1) Members of the Legislature or to any employee of, or position in, the legislative branch of the State government including members, officers and employees of the legislative council, Legislative Budget Committee, Statute Law Committee, and any interim committee of the Legislature.

(2) Judges of the Supreme Court, of the Superior Courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the State Board for Community College Education, and the Higher Education Personnel Board.

(4) Employees of the State Printing Office.

(5) The officers of the Washington State Patrol.

(6) Elective officers of the state.

(7) The Chief Executive Officer of each agency.

(8) In the Departments of Employment Security and Fisheries, the director and the director's confidential secretary.

(9) In the Department of Social and Health Services, the secretary, ~~((deputy secretary, personnel director, administrative))~~ the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above ((ten)) named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred (100) residents: PROVIDED, That such confidential secretary must meet the minimum qualifications for the class of Secretary 2 as determined by the State Personnel Board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the State Personnel Board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the ~~((d))~~ Director of Personnel to be equivalent.

(g) Washington State Patrol Trooper cadets in training for commissioning as Troopers in the Washington State Patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington State Fruit Commission.

(b) Washington State Apple Commission.

(c) Washington State Dairy Products Commission.

(d) Washington State Wheat Commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington State Liquor Control Board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the State Personnel Board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the Liquor Control Board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the State Personnel Board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Personnel

Board stating the reasons for requesting such exemptions. The Personnel Board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the Personnel Board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Personnel Board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the Governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the Governor. The State Personnel Board shall report to each regular session of the Legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

#### AMENDATORY SECTION (Amending Order 137, filed 11/13/79)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus two salary ranges shall be paid only to employees in the classes below who have this supervision assigned.

0610 - Retail Clerk 1  
0612 - Retail Clerk 2  
8003 - Food Service Aide 1  
8005 - Food Service Aide 2  
8007 - Food Service Aide 3  
8205 - Laundry Worker 1  
8430 - Seamstress 1  
8432 - Seamstress 2

(2) For fulltime assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus two ranges shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator  
0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a four-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

7107 - Maintenance Technician 1  
7109 - Maintenance Technician 2  
7111 - Maintenance Technician 3  
7115 - Maintenance Lead Technician  
7182 - Ferry Operator 1

(6) The Personnel Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: ((+)) (a) such conditions are not normally

expected of those positions assigned to the respective classes; and ((2)) (b) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus four ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030 (1)(e).

(8) Basic salary plus four ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030 (1)(e).

(9) Basic salary range plus four ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus two ranges for employees within the classification of Custodian who are assigned fulltime to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

(10) Basic salary range plus 10% shall be paid to those employees working in an institution of the Department of Social and Health Services whose duties include involvement with residents for purposes of supervision, training, therapy, security, custody or counseling, or any combination thereof, provided said duties are foreign to the traditional expectation of the job classification.

#### AMENDATORY SECTION (Amending Order 112, filed 11/7/77)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES((—)), REGULATIONS—PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work((—or good faith reorganization for efficiency purposes)).

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), RCW 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only ((then)) when such options are in accordance with the agency's procedure which has been approved by the Director of Personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the Director of Personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) That ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in

their current agency; if the tie still exists by measuring the employees' total accumulative service within the State; and if the tie still exists by lot.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the Director of Personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the Department of Personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the Director of Personnel.

#### AMENDATORY SECTION (Amending Order 100, filed 3/30/77)

##### WAC 356-46-060 AGENCIES—PERSONNEL RECORDS.

(1) Each agency shall maintain a record of each employee showing the name, title, position held, the unit within the division to which assigned, the salary, changes of employment status, attendance, leaves, and such other information as may be necessary for the administration of regulations. All personnel records, including employee service records and ratings, shall be open to the inspection of the Personnel Board and shall accompany the employee throughout his/her service career.

(2)(a) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records which are consistent with these Rules and which shall identify for purposes of these Rules (~~a single~~) the official depository and custodian for said records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee. Job performance information shall remain as part of an employee's personnel record for a period as provided by chapter 40.14 RCW.

(c) Employees or their representatives may review their own personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in their personnel records may insert rebuttal or refuting documentation into their personnel records.

**WSR 80-04-076**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed March 28, 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 Appeal to hearing committee—Composition of committee, amending WAC 275-88-060.

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 April 30, 1980. The meeting site is in location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 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, May 21, 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 72.01.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 10:00 a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington.

Dated: March 25, 1980  
 By: N. S. Hammond

#### AMENDATORY SECTION (Amending Order 1185, filed 2/3/77)

WAC 275-88-060 APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE. (1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve month period.

(2) At forestry honor camps and such other smaller adult correctional institutions as may be created from time to time, the hearing committee(s) shall be comprised of three or more staff members designated by the superintendent, none of whom shall be the involved resident's regular counselor, unless no other satisfactory staff members are available.

(3) The superintendent shall also designate a staff member(s) of the institution to serve as a clerk for the hearing committee.

(4) As an alternative to the committees referred to in subsections (1) and (2) of this section, the superintendent of any adult correctional institution may, with the prior approval of the director, appoint disciplinary hearing officers. Persons so appointed may preside, individually, over all major disciplinary hearings at the institution. Such hearing officers shall have all the powers and duties otherwise possessed by the hearing committee.

**WSR 80-04-077**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed March 28, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

Rep	WAC 390-20-085	Lobbyists expenditures—Apportionment of expenses.
Amd	WAC 390-12-010	Public Disclosure Commission—Regular meetings;

that such agency will at 9:00 a.m., Tuesday, May 27, 1980, in the Evergreen Plaza Building, conference room, 711 Capitol Way, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, May 27, 1980, in the Evergreen Plaza Building, conference room, 711 Capitol Way, Olympia.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 27, 1980, and/or orally at 9:00 a.m., Tuesday, May 27, 1980, Evergreen Plaza Building, conference room, 711 Capitol Way, Olympia.

Dated: March 27, 1980  
 By: Graham E. Johnson  
 Administrator

**AMENDATORY SECTION** (Amending Order 79-06, filed 9/19/79)

**WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS.** Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the fourth Tuesday of each calendar month beginning at 9:00 A.M. Such meeting shall be held at a place designated by the chairman of the commission. If the fourth Tuesday falls on a legal holiday, the regular meeting shall be held on the third Tuesday of that month.

**REPEALER**

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

**WAC 390-20-085** Lobbyists expenditures—Apportionment of Expenses.

**WSR 80-04-078**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-18—Filed March 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 troll restrictions will allow a limited harvest of chinook 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 March 31, 1980.

By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-28-00400G TROLL SALMON RESTRICTIONS** Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess chinook salmon for commercial purposes less than 22 inches in length taken with troll gear, from Puget Sound Salmon Management and Catch Reporting Areas 4B and 5.

**WSR 80-04-079**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed March 31, 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 general design requirements, amending WAC 248-18-718;

that such agency will at 9:00 a.m., Wednesday, May 14, 1980, in the North 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, May 14, 1980, in the North 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 May 14, 1980, and/or orally at 9:00 a.m., Wednesday, May 14, 1980, North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated: March 31, 1980  
 By: John A. Beare, MD  
 Secretary

**AMENDATORY SECTION** (Amending Order 193, filed 2/26/80)

WAC 248-18-718 GENERAL DESIGN REQUIREMENTS. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515).

(1) VECTOR CONTROL. CONSTRUCTION OF THE BUILDING SHALL BE SUCH AS TO PREVENT THE ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS.

(2) ELEVATORS.

(a) AT LEAST ONE ELEVATOR IN ALL HOSPITALS WITH A PATIENT ROOM, OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, NEONATAL INTENSIVE CARE UNIT, X-RAY ROOM, SOLARIUM, OR TREATMENT ROOM ON OTHER THAN A SINGLE FLOOR CONVENIENTLY ACCESSIBLE FROM GROUND LEVEL.

(b) AT LEAST TWO ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF MORE THAN SIXTY BEDS ON OTHER THAN THE GROUND FLOOR.

(c) AT LEAST THREE ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF OVER TWO HUNDRED BEDS ON OTHER THAN THE GROUND FLOOR.

(d) A GREATER NUMBER OF ELEVATORS MAY BE REQUIRED BECAUSE OF THE HOSPITAL PLAN, VOLUME OF VISITOR TRAFFIC AND FOOD AND SUPPLY DISTRIBUTION SYSTEM.

(e) SIZE OF REQUIRED ELEVATORS AT LEAST 5'-4" by 8'-0" WITH A CAPACITY OF 3500 POUNDS, CAR AND SHAFT DOORS OF AT LEAST 3'-10" CLEAR OPENING.

(3) STAIRWAYS, RAMPS, CORRIDORS AND AISLES.

(a) STAIRWAYS AND RAMPS.

(i) NONSKID SURFACES.

(ii) HANDRAILS ON BOTH SIDES.

(iii) ADEQUATE GUARDRAILS AND OTHER SAFETY DEVICES ON ALL STAIRWELLS AND RAMPS.

(iv) SLOPE OF RAMPS USED FOR PATIENTS NOT TO EXCEED ONE IN TWELVE.

SLOPE OF RAMPS IN SERVICE AREAS NOT TO EXCEED ONE IN TEN.

(b) CORRIDORS.

(i) CORRIDORS AT LEAST 8'-0" WIDE WITH NO RESTRICTION MORE THAN 7" TOTAL. EXCEPTIONS MAY BE PERMITTED FOR AMBULATORY TRAFFIC SERVING A SINGLE HOSPITAL DEPARTMENT BUT NO LESS THAN 5'-0". EXISTING 7'-0" CORRIDORS ACCEPTABLE FOR ALTERATIONS.

(ii) HANDRAILS BOTH SIDES OF CORRIDORS USED BY PATIENTS ON REHABILITATION NURSING UNITS, NURSING HOME UNITS, AND OTHER LONG TERM CARE NURSING UNITS.

(iii) DOORS EXCEPT THOSE TO SMALL SPACES WHICH ARE NOT NORMALLY OCCUPIED SHALL NOT SWING INTO THE CORRIDORS.

(c) AISLES.

SUFFICIENTLY WIDE TO ALLOW FOR UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.

(4) DOORS, WINDOWS AND SCREENS.

(a) DOORS.

(i) 4'-0" MINIMUM WIDTH IN OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, RECOVERY ROOM, EMERGENCY ROOM, FRACTURE ROOM, X-RAY ROOM AND DOORS TO ALL TYPES OF INTENSIVE CARE UNITS. IN ALTERATION PROJECTS FOR BIRTHING ROOM(S) AN EXISTING 3'-8" DOOR IS ACCEPTABLE.

(ii) 4'-0" MINIMUM WIDTH FOR PATIENT ROOM DOORS AND TREATMENT ROOM DOORS IN ALL INTENSIVE CARE UNITS.

(iii) 3'-10" MINIMUM WIDTH FOR PATIENT ROOMS, NEWBORN NURSERIES, EXIT AND OTHER DOORS THROUGH WHICH PATIENTS ARE TRANSPORTED IN STRETCHERS OR BEDS. 4'-0" doors recommended. EXISTING 3'-8" DOOR ACCEPTABLE IN LIMITED ALTERATION PROJECTS.

(iv) 3'-0" MINIMUM WIDTH FOR ALL DOORS WHICH MAY BE USED BY PERSONS IN WHEELCHAIRS INCLUDING PATIENT TOILETS AND BATHROOMS EXCEPT DOORS TO TOILETS AND BATHROOMS WHICH OPEN INTO PATIENT ROOMS SHALL BE NOT LESS THAN 2'-6" IN WIDTH.

(v) Doors to toilets adjoining patient rooms should not swing into toilet rooms.

(vi) Adequate width for receiving entrance doors, store room doors, and other doors through which large carts or bulk goods are transported.

(vii) VISION PANELS IN ALL DOUBLE-ACTING DOORS. Four inches wide by twenty-four inches high recommended.

(b) WINDOWS.

(i) REQUIRED IN PATIENT ROOMS EXCEPT LABOR ROOMS AND NURSERIES.

(ii) REQUIRED WINDOWS TO HAVE CLEAR GLASS AREA OF AT LEAST ONE-EIGHTH FLOOR AREA.

(iii) REQUIRED WINDOWS TO BE LOCATED IN OUTSIDE WALLS PERMITTING A SATISFACTORY AMOUNT OF UNOBSTRUCTED NATURAL LIGHT. No required windows should be located within twenty feet of another building or the opposite wall of a court or within ten feet of a property line except a street.

(iv) WINDOW SILLS OF REQUIRED WINDOWS IN PATIENT ROOMS NO HIGHER THAN 3'-0" FROM THE FLOOR. GRADE<sup>37</sup> ADJACENT TO REQUIRED WINDOWS IN PATIENT ROOMS TO BE BELOW WINDOW SILL.

(c) SCREENS.

16 MESH SCREEN OR EQUAL ON WINDOW OPENINGS WHICH SERVE FOR REQUIRED VENTILATION.

(5) FLOOR FINISHES, WALL SURFACES AND CEILINGS.

(a) FLOOR FINISHES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) NONSLIP AT ENTRANCES AND OTHER AREAS SUBJECT TO TRAFFIC WHILE WET.

(iii) COVED BASES INTEGRAL WITH FLOORS OR TOPSET BASE TIGHT TO FLOORS AND WALLS.

(iv) ELECTRICALLY CONDUCTIVE IN AREAS WHERE COMBUSTIBLE ANESTHETIC GASES ARE TO BE USED PER NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.<sup>38</sup>

(v) SPECIFICATIONS FOR CARPETING IN NONPATIENT OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBER WHICH MEETS THE STANDARDS OF THE STATE FIRE MARSHAL (SEE RCW 70-.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TUFTS PER SQUARE INCH: MINIMUM 64 OR EQUIVALENT DENSITY.

(C) PILE HEIGHT: FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .312 INCHES.

(D) PAD: MAY BE SEPARATE PAD.

(vi) SPECIFICATIONS FOR CARPETING IN PATIENT OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBERS WHICH MEET THE STANDARDS OF THE STATE FIRE MARSHAL (SEE RCW 70-.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TYPE: ROUND LOOP.

(C) PILE TUFTS PER SQUARE INCH: MINIMUM .64 OR EQUIVALENT DENSITY.

(D) PILE HEIGHT: LEVEL PILE, FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .255 INCHES.

(E) BACKING: SHALL BE WATER IMPERVIOUS OR A WATER IMPERVIOUS PAD SHALL BE PERMANENTLY BONDED TO THE BACKING.

(vii) INSTALLATION OF CARPET MATERIAL:

(A) BONDED PAD CARPET MUST BE CEMENTED TO THE FLOOR WITH WATERPROOF CEMENT.

(B) EDGES OF CARPET MUST BE COVERED AND COVE OR BASE SHOE USED AT ALL WALL JUNCTURES. SEAMS ARE TO BE BONDED TOGETHER WITH MANUFACTURER RECOMMENDED CEMENT.

(C) SAFETY OF PATIENTS OR OCCUPANTS IS TO BE ASSURED DURING INSTALLATION. ROOMS MUST BE WELL VENTILATED AND NOT BE USED BY RESIDENT OCCUPANTS OR PATIENTS DURING INSTALLATION. THE ROOM MAY NOT BE RETURNED TO USE UNTIL THE ROOM IS FREE OF VOLATILE FUMES AND ODORS FROM ADHESIVES.

(b) WALL SURFACES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) SMOOTH AND WASHABLE FINISH (e.g., washable paint on smooth finish plaster or gypsum board as opposed to rough or exposed masonry finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT AND ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND IN CLINICAL LABORATORIES.

(iii) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS AND LABOR ROOMS.

(iv) A WATERPROOF PAINTED, GLAZED, OR SIMILAR WATERPROOF FINISH EXTENDING ABOVE THE SPLASH LINE IN ALL ROOMS OR AREAS THAT ARE SUBJECT TO SPLASH OR SPRAY.

(v) Wainscot of five feet minimum height of a durable surface in operating rooms, delivery rooms, emergency rooms, treatment rooms and corridors.

(vi) External angles protected by corner guards to resist impact in areas of heavy traffic.

(c) CEILINGS:

(i) EIGHT FEET MINIMUM HEIGHT, EXCEPTIONS MAY BE PERMITTED IN MINOR AUXILIARY ROOMS.

(ii) NINE FEET MINIMUM HEIGHT IN OPERATING ROOMS, DELIVERY ROOMS, AND SIMILAR ROOMS HAVING SPECIAL CEILING-MOUNTED LIGHT FIXTURES. Higher ceilings may be needed for some types of equipment.

(iii) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iv) SMOOTH AND WASHABLE FINISH (e.g., washable paint on smooth finish plaster or gypsum board as opposed to fissured tile or rough finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT, AND IN ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND CLINICAL LABORATORIES. NO EXPOSED DUCTWORK AND PIPING.

(v) SMOOTH AND WASHABLE FINISH WITHOUT VISIBLE JOINTS OR CREVICES IN AREAS WHERE SURGICAL ASEPISIS MUST BE ASSURED SUCH AS OPERATING ROOMS, DELIVERY ROOMS, AND EMERGENCY TREATMENT ROOMS.

(vi) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS, LABOR ROOMS AND BIRTHING ROOMS.

(vii) Sound-absorptive treatment in corridors of patient areas, nurses' stations, dining rooms and hydro-therapy rooms.

(6) PLUMBING AND SEWERAGE.

(a) PLUMBING AND SEWERAGE. CONSTRUCTED IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE,<sup>40</sup> OR EQUIVALENT LOCAL CODE.

(b) WATER SUPPLY.

(i) AN ADEQUATE WATER SUPPLY WHICH CONFORMS TO THE QUALITY STANDARDS OF CHAPTER 248-54 WAC.

(ii) TEMPERATURE OF HOT WATER AT BATHING FIXTURES THERMOSTATICALLY CONTROLLED NOT TO EXCEED 110 DEGREES FAHRENHEIT.

(iii) THERMOSTATICALLY CONTROLLED HOT WATER HEATING EQUIPMENT OF SUFFICIENT CAPACITY TO SUPPLY SIX AND ONE-HALF GALLONS OF WATER PER HOUR PER BED FOR GENERAL USE AT NOT LESS THAN 125 DEGREES FAHRENHEIT, AND AN ADEQUATE AMOUNT AT NOT LESS THAN 160 DEGREES FAHRENHEIT FOR LAUNDRY, MECHANICAL DISHWASHERS AND OTHER SPECIAL MECHANICAL WASHERS<sup>36</sup>

(iv) CIRCULATING SYSTEMS AS NECESSARY TO ENSURE A READY SUPPLY OF HOT WATER AT FIXTURES.

(c) INSULATION.

(i) HOT WATER PIPING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE SAFETY.

(ii) COLD WATER AND DRAINAGE PIPING INSULATED AS REQUIRED TO CONTROL CONDENSATION.

(iii) AVOID EXPOSING PIPING TO FREEZING TEMPERATURES. IF UNAVOIDABLE, DESIGN TO PREVENT FREEZING.

(d) SEWERAGE.

SEWAGE DISPOSAL SYSTEM IN CONFORMANCE WITH WAC 248-50-100 AND CHAPTER 248-92 OR 248-96 WAC

CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH.

(e) PLUMBING FIXTURES.

(i) DESIGNED AND INSTALLED TO BE EASILY CLEANED, MAINTAINED AND SUITABLE TO THE INTENDED USE.<sup>24</sup> ADEQUATE SUPPORT FOR FIXTURES.

(ii) LAVATORIES PROVIDED IN EACH TOILET ROOM EXCEPT WHERE PROVIDED IN CONNECTING PATIENT ROOM, DRESSING ROOM, OR LOCKER ROOM.

(iii) DRINKING FOUNTAINS OR EQUIVALENT AT SUITABLE LOCATIONS.<sup>24</sup>

(iv) SINKS IN WHICH UTENSILS AND EQUIPMENT ARE TERMINALLY CLEANED TO BE DOUBLE COMPARTMENT OF ADEQUATE SIZE AND DEPTH (Recommended each compartment 20 x 22 x 14 or similar) WITH ADEQUATE COUNTER SPACE ON BOTH SIDES.<sup>24</sup>

(v) EACH FIXTURE, EXCEPT WATER CLOSETS AND SPECIAL USE FIXTURES, PROVIDED WITH HOT AND COLD WATER THROUGH A MIXING OUTLET.

(vi) DEVICES TO PREVENT BACKFLOW ON WATER SUPPLY TO FIXTURES OR GROUP OF FIXTURES WHERE THE USE OF EXTENSION HOSES AND TUBE CLEANING EQUIPMENT IS ANTICIPATED (e.g., sinks in laboratory, central service, garbage can wash area, and housekeeping facilities and mechanical areas). Also refer to chapter 248-54 WAC.

(f) FITTINGS.

(i) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT ON LAVATORIES IN PATIENT ROOMS AND TOILETS ADJOINING PATIENT ROOMS EXCEPT THOSE FOR PSYCHIATRIC PATIENTS TO BE IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

(ii) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT<sup>41</sup> ON ALL LAVATORIES AND SINKS FOR PERSONNEL USE WHERE REQUIRED TO CONTROL CROSS INFECTION (e.g., nursing service areas including isolation rooms, laboratory, and physical therapy), UNLESS THE FIXTURE IS USED FOR SOILED FUNCTIONS ONLY AND ANOTHER SINK OR LAVATORY WITH WRIST, KNEE, OR FOOT CONTROLS OR EQUIVALENT<sup>41</sup> IS LOCATED IN THE SAME AREA OF THE ROOM. FAUCET CONTROLS ON LAVATORIES IN NEWBORN NURSERY UNITS, NEONATAL INTENSIVE CARE UNITS, BIRTHING ROOMS AND ALL SCRUB SINKS TO BE KNEE OR FOOT CONTROLS OR EQUIVALENT.<sup>41</sup>

(iii) WRIST CONTROLS TO HAVE A MINIMUM OF 4 INCH SPACE BETWEEN BACK SPLASH AND ENDS OF CONTROLS AT FULL CLOSED POSITION AND A MINIMUM OF 4 INCH SPACE BETWEEN THE END OF CONTROLS AND THE WATER SPOUT IN THE FULL OPEN POSITION. 90 DEGREE VALVE OPERATION.

(g) ACCESSORIES.

(i) BACKING FOR MOUNTING TO SUPPORT THE INTENDED USE OF ALL ACCESSORIES.

(ii) SUITABLE SHELF OR EQUIVALENT, AND MIRROR AT EACH LAVATORY IN TOILET ROOMS, PATIENT ROOMS, BIRTHING ROOMS, DRESSING ROOMS, AND LOCKER ROOMS.

(iii) TOWEL BAR OR HOOK AT EACH PATIENT LAVATORY ON NURSING UNITS AND IN BIRTHING ROOMS AND AT EACH BATHING FACILITY.

(iv) ROBE HOOK AT EACH BATHING FACILITY, WATER CLOSET, DRESSING ROOMS AND EXAMINATION ROOMS.

(v) TOILET PAPER HOLDER PROPERLY LOCATED AT EACH WATER CLOSET.

(vi) Sanitary napkin dispenser in each women's toilet room except inpatient toilets.

(vii) AT LEAST TWO GRAB BARS OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION AND FUNCTIONAL DESIGN SECURELY MOUNTED AND PROPERLY LOCATED AT EACH BATHTUB, SHOWER AND WATER CLOSET FOR PATIENTS.

(viii) DISPENSERS FOR SINGLE USE TOWELS AT ALL LAVATORIES AND SINKS MOUNTED TO AVOID CONTAMINATION FROM SPLASH AND SPRAY.

(ix) SUITABLE PROVISION FOR SOAP AT EACH LAVATORY, SINK, AND BATHING FACILITY.



- (x) Paper cup dispensers at all lavatories except in soiled areas.
- (xi) Dispenser for seat covers at each water closet properly located.
- (h) NONFLAMMABLE MEDICAL GAS SYSTEMS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA).<sup>38</sup>

(i) Clinical vacuum (suction) systems in accordance with the recommendations of Compressed Gas Association<sup>59</sup> except the zone valves may be omitted.

(7) HEATING.<sup>39</sup>

(a) A HEATING SYSTEM ADEQUATE TO MAINTAIN 75 DEGREES FAHRENHEIT MINIMUM TEMPERATURE IN EACH ROOM AND OCCUPIED SPACE.

(b) THE SYSTEM OF SUFFICIENT SIZE AND CAPACITY FOR THE PROPER DESIGN TEMPERATURE FOR THE LOCALITY.

(c) HEAT SUPPLY FOR EACH PATIENT ROOM PROVIDED WITH INDIVIDUAL THERMOSTATIC CONTROL. Manual or zone control acceptable for existing facility alteration projects.

(d) Individual room thermostatic control recommended for all rooms. HEATING SYSTEM SUITABLY ZONED (e.g., by exposure and usage of areas) AND THERMOSTATICALLY CONTROLLED UNLESS INDIVIDUAL ROOMS THERMOSTATICALLY CONTROLLED.

(e) Heat supply to operating rooms, delivery rooms, birthing rooms, recovery rooms, nurseries, all intensive care units and other selected areas arranged so that they may be heated at times when the general building heating system is not operating.

(f) PIPING THROUGHOUT BUILDING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE SAFETY.

(8) VENTILATION AND AIR CONDITIONING.<sup>39</sup>

(a) ALL ROOMS AND AREAS ADEQUATELY VENTILATED BY MECHANICAL MEANS. (Refer to Table B) DESIGN OF SYSTEM TO PREHEAT COLD OUTSIDE AIR MAKEUP. Gravity exhaust acceptable for gas storage rooms, mechanical rooms and similar areas.

(b) Approved recovery systems to reclaim heat from exhausts are recommended for energy conservation. DESIGN AND INSTALLATION OF HEAT RECOVERY EQUIPMENT TO CONTROL CROSS CONTAMINATION.

(c) ALL FANS SERVING EXHAUST SYSTEMS SHALL BE LOCATED AT THE DISCHARGE END OF THE SYSTEM OR THE SYSTEMS DESIGNED TO PREVENT LEAKAGE TO OCCUPIED AREAS.

(d) DESIGN OF AIR DISTRIBUTION AND BALANCING OF AIR SYSTEMS:<sup>34</sup>

(i) TO MAINTAIN APPROPRIATE PRESSURE GRADIENTS AMONG ADJOINING ROOMS AND AREAS TO CONTROL AIR FLOWS IN ACCORDANCE WITH THE RELATIVE DEGREE OF PROTECTION REQUIRED FROM THE SPREAD OF ODORS, MOISTURE, TOBACCO SMOKE AND CONTAMINANTS, i.e., flow from relatively clean areas to relatively soiled areas. Refer to Table B.

(ii) FOR NEWBORN NURSERY FACILITIES TO PREVENT AIR FLOW TO ANY NURSERY ROOM FROM ANY OTHER ROOM.

(iii) FOR NEONATAL INTENSIVE CARE UNIT POSITIVE PROTECTIVE AIR PRESSURE GRADIENT FROM EACH NURSERY ROOM TO SURROUNDING AREAS EXCEPT CLEAN UTILITY, CLEAN STORAGE ROOMS AND NEWBORN NURSERY FACILITIES. POSITIVE AIR PRESSURE GRADIENT FROM NEONATAL INTENSIVE CARE UNIT TO CORRIDORS AND ROOMS OUTSIDE THE UNIT.

(e) (~~PROPERLY DESIGNED~~) EXHAUST HOODS OR OTHER APPROVED EXHAUST DEVICES.

(i) LOCATED OVER EQUIPMENT LIKELY TO PRODUCE EXCESSIVE HEAT, MOISTURE, ODORS, OR CONTAMINANTS (e.g., kitchen, laundry, sterilizing and dishwashing equipment, laboratory and special (~~laboratory~~) work areas).

(ii) LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED.<sup>35</sup>

(A) MINIMUM FACE VELOCITY OF 75 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN LOCATED AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO FILTER ENCLOSURE.

(D) FILTERS WITH 99.97% EFFICIENCY (DIOCTYL-PHTHALATE, (DOP), TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(F) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIALS.

(iii) LABORATORY HOODS WHERE STRONG OXIDIZING AGENTS, (e.g., perchloric acid,) ARE PROCESSED.

(A) MINIMUM FACE VELOCITY OF 100 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) EACH HOOD CONNECTED TO INDEPENDENT EXHAUST SYSTEM WITH AN EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT OF WELDED STAINLESS STEEL OR EQUIVALENT THROUGHOUT THE EXHAUST SYSTEM.

(D) HOOD AND EXHAUST DUCT SYSTEM EQUIPPED WITH WASHDOWN FACILITIES.

(iv) HOODS WHERE RADIOACTIVE PARTICULATE AEROSOLS MAY BE RELEASED.

(A) MINIMUM FACE VELOCITY OF 100 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) EACH HOOD CONNECTED TO AN INDEPENDENT EXHAUST SYSTEM WITH AN EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO THE FILTER ENCLOSURE.

(D) FILTERS WITH 99.97% EFFICIENCY (DIOCTYL-PHTHALATE, (DOP) TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED FOR THE SAME REMOVAL OF CONTAMINATED FILTERS.

(f) ALL CENTRAL VENTILATION OR AIR CONDITIONING SYSTEMS EQUIPPED WITH FILTERS.

(i) NUMBER OF FILTER BEDS AND FILTER EFFICIENCIES<sup>44</sup> NO LESS THAN THOSE SPECIFIED IN TABLE A.

(ii) FILTER BED NO. 2 SHALL BE DOWNSTREAM OF THE LAST COMPONENT OF ANY CENTRAL AIR HANDLING UNIT, EXCEPT A STEAM INJECTION TYPE HUMIDIFIER MAY BE DOWNSTREAM OF FILTER BED NO. 2. TERMINAL COOLING COILS (EXCEPT INDUCTION UNITS, FAN COIL UNITS OR EQUIVALENT INDIVIDUAL ROOM UNITS (REFER TO (g)) DOWNSTREAM OF FILTER BED NO. 2 SHALL HAVE ADDITIONAL FILTRATION MEETING REQUIREMENTS OF FILTER BED NO. 2.

Table A

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

AREA DESIGNATION	FILTER EFFICIENCIES (Percent) <sup>***</sup>		
	MINIMUM NUMBER OF FILTER BEDS	FILTER BED NO. 1	FILTER BED NO. 2
Sensitive Areas*	2	25	90
Patient Care, Treatment Diagnostic, and Related Areas	2	25	90**
Food Preparation Areas and Laundries	1	80	—
Administrative, Bulk Storage and Soiled Holding Areas	1	25	—

\* Includes surgical suites, delivery suites, nursery units, recovery rooms, special procedure rooms (cardiac catheterizations) and all intensive care units.

\*\* May be reduced to 80 percent for systems using all-outdoor air.

\*\*\* Average dust spot test.

(iii) (~~LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED.~~<sup>33</sup>

(A) MINIMUM FACE VELOCITY OF 75 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM.

~~(C) FILTERS WITH 99.97% EFFICIENCY (DIOCTYL-PHTHALATE, (DOP), TEST METHOD) IN THE EXHAUST STREAM.~~

~~(D) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.~~

~~(E) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIAL.~~

~~(iv) LABORATORY HOODS WHERE RADIOACTIVE AND STRONG OXIDIZING AGENTS e.g., perchloric acid, ARE PROCESSED:~~

~~(A) DUCT OF STAINLESS STEEL FOR A MINIMUM DISTANCE OF 10'-0" FROM EACH HOOD.~~

~~(B) HOOD FOR STRONG OXIDIZING AGENTS EQUIPPED WITH WASHDOWN FACILITIES.~~

~~(C) EACH HOOD CONNECTED TO INDEPENDENT EXHAUST SYSTEM.~~

~~(D) MINIMUM FACE VELOCITY OF 100 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.~~

~~(v)) FILTER FRAMES WITH AIRTIGHT SEAL TO THE ENCLOSING DUCTWORK BY USE OF GASKETS OR EQUIVALENT.~~

~~((v)) (iv) A MANOMETER SHALL BE INSTALLED ACROSS EACH FILTER BED SERVING SENSITIVE AREAS (Refer to Table A) OR CENTRAL AIR SYSTEMS.~~

(g) NONCENTRAL SUPPLY VENTILATION SYSTEMS, i.e. individual room units.

(i) IN SENSITIVE AREAS (Refer to Table A) SHALL MEET THE FILTERING OBJECTIVES FOR CENTRAL SYSTEMS.

(ii) IN AREAS OTHER THAN SENSITIVE AREAS OUTDOOR AIR FOR INDIVIDUAL ROOM UNITS SHALL MEET FILTERING REQUIREMENTS FOR CENTRAL SYSTEMS UNDER TABLE A. RECIRCULATED AIR TO INDIVIDUAL ROOM UNITS NEED NOT BE FILTERED (lint screen and/or filter recommended).

(h) AIR HANDLING DUCT SYSTEMS.

(i) IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION.<sup>45</sup>

(ii) BUILDING SPACES USED FOR PLENUMS SHALL BE RESTRICTED TO ADMINISTRATIVE, PUBLIC WAITING AND PUBLIC MEETING AREAS.

(iii) NONEROSIVE WEARING SURFACES ARE REQUIRED FOR FIBERGLASS SUPPLY DUCTS (PER UL STANDARDS<sup>57</sup>) AND/OR SUPPLY DUCT LINERS (PER SMACNA STANDARDS<sup>58</sup>), IF INSTALLED.

(iv) NINETY PERCENT EFFICIENCY FILTERS DOWNSTREAM OF LININGS SERVING SENSITIVE AREAS (Refer to Table A) EXCEPT LINING OF TERMINAL UNITS MEETING THE REQUIREMENTS OF (iii) ABOVE.

(i) AIR SUPPLY AND EXHAUSTS LOCATIONS.

(i) AIR SUPPLY INTAKES LOCATED TO ENSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall to avoid sources of contamination or pollution).

(ii) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR OPERABLE WINDOWS. Separation distances dependent upon factors such as air volumes, wind directions and building configurations.

(j) OPERATING ROOMS, DELIVERY ROOMS, NEWBORN NURSERY ROOMS, NEONATAL INTENSIVE CARE UNITS AND THEIR ANCILLARY FACILITIES MECHANICALLY VENTILATED TO PROVIDE ONE HUNDRED PERCENT FRESH AIR WITHOUT RECIRCULATION. Recommended for birthing rooms, labor rooms, recovery rooms and all intensive care units. Refer to Table B.

(k) VENTILATION SYSTEMS FOR ANESTHETIZING LOCATIONS USING FLAMMABLE ANESTHETICS SHALL MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA).<sup>38</sup>

(l) AIR CONDITIONING TO ADEQUATELY CONTROL TEMPERATURE, AIR CHANGES AND AIR MOTION OF OPERATING ROOMS, DELIVERY ROOMS, NEONATAL INTENSIVE CARE NURSERY ROOMS, RECOVERY ROOMS, INTENSIVE CARE AND CARDIAC INTENSIVE CARE UNITS, NEWBORN NURSERY FACILITIES, AND SPECIAL PROCEDURE ROOMS.

(m) RELATIVE HUMIDITY.

(i) OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, ANESTHETIZING LOCATIONS AND

RECOVERY ROOMS, FIFTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(ii) NEWBORN NURSERY FACILITIES AND NEONATAL INTENSIVE CARE UNITS, FORTY-FIVE PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-FIVE DEGREES FAHRENHEIT.

(iii) INTENSIVE CARE UNITS, THIRTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(n) FIRE SHUTDOWN AS REQUIRED BY NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)<sup>45</sup> BY BOTH MANUAL CONTROL AND EITHER OF THE FOLLOWING OPTIONS FOR AUTOMATIC SHUTDOWN:

(i) TOTAL SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND SMOKE DAMPERS IN VENTILATION SYSTEM, AND SHUTTING DOWN SUPPLY FAN(S) AND EXHAUST FAN(S).

(ii) SELECTIVE SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND ACTUATING ONLY SMOKE DAMPERS IN RECIRCULATION SYSTEM TO EXHAUST ALL RECIRCULATED AIR. ONLY THE SMOKE DETECTOR ON THE DOWNSTREAM SIDE OF THE LAST COMPONENT OF THE CENTRAL SUPPLY SYSTEM SHALL SHUT DOWN THE SUPPLY AND EXHAUST VENTILATION SYSTEMS AND SHALL CLOSE ALL SMOKE DAMPERS. This selective shutdown option is recommended for hospitals having multi-ventilation systems.

(o) VENTILATION REQUIREMENTS ARE SUMMARIZED IN TABLE B FOR TYPICAL HOSPITAL AREAS. THOSE AREAS NOT SPECIFICALLY DESIGNATED SHALL COMPLY WITH REQUIREMENTS FOR COMPARABLE AREAS.

TABLE B GENERAL PRESSURE RELATIONSHIPS AND VENTILATION<sup>6</sup>  
OF CERTAIN HOSPITAL AREAS

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>5a</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR IN ROOM	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
<b>A. ANESTHETIZING AREAS</b>					
1. Delivery and operating rooms <sup>1</sup>	PP	15	15 <sup>5</sup>	Yes	No
2. Dental Operating Rooms	P	8	8	Yes	No
3. Endoscopy Room	P	8	8	Yes	No
4. Emergency Major Treatment Rooms	N	2	6	Yes	No
5. Outpatient Operating <sup>1</sup> and/or Treatment Rooms	PP	5	15 <sup>4</sup>	Yes	No
6. Special Procedures Rooms (Cardiac Catheterizations)	PP	12	12	Yes	No
<b>B. CENTRAL SERVICE</b>					
1. Cart Wash Room or Area	N	2	10	Yes	No <sup>3</sup>
2. Clean & Sterile Storage Room	PP	2	2	Optional	No <sup>3</sup>
3. Sterilizer Access Service Room	NN	Optional	12	Yes	No
4. Sterilizing Area	P	2	4	Optional	No <sup>3</sup>
5. Clean Equipment Storage Room	P	2	2	Optional	Optional
6. Decontamination Area or Room	NN	2	12	Yes	No
<b>C. GENERAL</b>					
1. Administrative Areas: i.e., Offices, Admitting Facilities, Registration, etc.	P	2	2	Optional	Optional
2. Bathing and Wet Treatment Facilities: i.e., Showers, Tubs, Sitz Baths, Hydrotherapy.	N	2	10	Yes	No
3. Clean Facilities: Utility or Work Rooms, Medicine Preparation Areas, Holding and Storage Rooms.	P	2	4	Optional	No <sup>3</sup>
4. Corridors, Geperal Circulating. <sup>2</sup>	P and N	2	2	Optional	Optional
5. Entrances	P	Optional	2	Optional	Optional
6. Housekeeping Facilities: i.e., Janitor Closets, Trash Chutes or Trash Storage Rooms	N	Optional	10	Yes	No
7. Lounges, Locker & Dressing Rooms	N	Optional	10	Yes	No
8. Nurses Station & Unit Dose Medicine Cart Areas	P	2	4	Optional	Optional
9. Receiving & Stores Incl. Breakout Area	N	Optional	2	Optional	Optional
10. Scrub-up Area	P	2	2	Optional	No
11. Soiled Facilities: Utility or Work Rooms, Holding, Bedpan, Clean-up, Linen & Storage.	N	2	10	Yes	No
12. Toilet Rooms	N	Optional	10	Yes	No
13. Waiting Rooms, Conference, Solariums, Day Rooms, or Other Smoking Areas.	N	2	2	Yes	No
14. Mechanical Rooms	N	Optional	2	Yes	No
<b>D. KITCHEN AND DIETARY</b>					
1. Bulk Day Food Storage Room	E or P	Optional	2	Optional	Optional
2. Cafeteria or Dining Room	E or N	6	8	Optional	Optional
3. Dishwashing Room or Area	NN	4	8	Yes	No
4. Garbage Storage and Can Washing Area	NN	Optional	10	Yes	No
5. Kitchen	NN	4	8	Yes	No
<b>E. LABORATORY</b>					
1. Autopsy Room and Morgue	NN	2	12	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS <sup>2,4</sup>	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR IN ROOM	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
2. Bacteriology	NN	2	12	Yes	No
3. Blood Drawing Area or Room	P	2	4	Optional	Optional
4. General Laboratory Rooms i.e., Hematology, Pathology.	N	2	10	Yes	No
5. Media Preparation and Transfer Room	P	2	4	Optional	No
6. Decontamination Area	NN	2	12	Yes	No
<b>F. LAUNDRY</b>					
1. Clean Linen Storage	P	2	2	Optional	No <sup>3</sup>
2. Clean sorting, folding & ironing	P	2	6	Yes	No <sup>3</sup>
3. Detergent & Supply Storage Room	N	Optional	2	Optional	Optional
4. Processing, washing and drying	P	4	10	Yes	No
5. Soiled sorting and storage	N	Optional	10	Yes	No
<b>G. PATIENT CARE AREAS</b>					
1. Acute Cardiac Care and Intensive Care Patient Rooms	PP	2	6 <sup>4</sup>	Optional	No <sup>3</sup>
2. Birthing Room	P	6	6 <sup>4</sup>	Optional	No <sup>3</sup>
3. Examination Rooms	E or P	2	6	Optional	No <sup>3</sup>
4. Electroencephalogram (EEG) Electromyogram (EMG) & Electrocardiogram (ECG or EKG)	E or P	2	6	Optional	Optional
5. Isolation Room, Airborne	NN	2	6	Yes	No
6. Isolation Room, Protective	P	4	4	Yes	No
7. Isolation Anteroom	NN	2	10	Yes	No
8. Isolation Room with Anteroom	Optional	2	6	Yes	No
9. Labor Room	E or P	2	2 <sup>4</sup>	Optional	No <sup>3</sup>
10. Neonatal Intensive Care Room	PP	6	6 <sup>5</sup>	Optional	No
11. Newborn Nursery Room <sup>1</sup>	PP	6	6 <sup>5</sup>	Optional	No
12. Observation Rooms (Out-Patient & Emergency Departments)	N	2	6	Yes	No
13. Patient Rooms	E or P	2	2	Optional	Optional
14. Pulmonary & Inhalation Therapy Treatment Rooms	E or P	2	2	Yes	No
15. Recovery Rooms <sup>1</sup>	PP	2	6 <sup>4</sup>	Optional	No
<b>H. PHARMACY</b>					
1. Compounding & Dispensing Areas	P	2	2	Optional	No <sup>3</sup>
2. Intravenous Additive Room	PP	2	2	Optional	No <sup>3</sup>
<b>I. RADIOLOGY</b>					
1. C.A.T., general & Ultrasound Rooms	E or P	2	6	Optional	Optional
2. Darkroom	N	2	6	Yes	No
3. Film Viewing & Storage Room	E	2	4	Optional	Optional
4. Fluoroscopy Rooms	N	2	6	Yes	NO
5. Nuclear Diagnostic Rooms	E or N	2	4	Optional	Optional
6. Radiation Therapy Treatment Rooms	N	2	6	Yes	No
7. Special Procedures Rooms, i.e., Angiography, etc.	P	2	6	Optional	No

CODES

P = POSITIVE  
 N = NEGATIVE  
 E = EQUAL

PP = STRONGLY POSITIVE  
 NN = STRONGLY NEGATIVE

REFERENCE NOTATIONS:

<sup>1</sup> THE SEGREGATED SURGICAL, DELIVERY, COMBINED SURGICAL-DELIVERY SUITES, OTHER OPERATING ROOM SUITES AND THE NEWBORN NURSERY UNIT FACILITIES SHALL BE POSITIVE TO THE OUTSIDE CORRIDOR.

- 2 GENERAL CIRCULATING CORRIDORS SHALL BE POSITIVE TO THE EXTERIOR, I.E., ELEVATORS, STAIRWELLS, EXIT  
DOORS AND SHALL BE NEGATIVE TO PATIENT ROOMS.
- 3 Recirculating room units meeting the appropriate filtering requirements in Table A, WAC 248-18-718(8)(g)(ii) are acceptable.
- 4 Recommend one hundred percent fresh outdoor air supplied to room.
- 5 THESE ROOMS AND THEIR ANCILLARY FACILITIES SHALL BE SUPPLIED WITH ONE HUNDRED PERCENT OUTSIDE  
(FRESH) AIR.
- 6 Heat recovery systems should be utilized for exhaust air.

## (9) INCINERATION FACILITIES.

(a) May be omitted if another approved method of disposal is used.

(b) INCINERATOR OF ADEQUATE SIZE AND DESIGN. LOCATED AND DESIGNED TO PREVENT OBJECTIONABLE HEAT, SMOKE, AND ODORS. (Separate room or outside area).

(c) SUPPLEMENTAL FUEL FIRED FOR COMPLETE COMBUSTION.

(d) CHUTE-FED INCINERATORS NOT PERMITTED.

(10) ELECTRICAL SYSTEMS AND EMERGENCY ELECTRICAL SERVICE.

(a) IN ADDITION TO SPECIFIC REQUIREMENTS OF THIS SECTION, CHAPTER 296-46 WAC, "RULES AND REGULATIONS FOR INSTALLING ELECTRIC WIRES AND EQUIPMENT AND ADMINISTRATIVE RULES", AND THE NATIONAL ELECTRIC CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA - 70) APPLY AS ADOPTED BY THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES.

(b) ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH NFPA STANDARDS<sup>38</sup> IN AREAS WHERE INHALATION ANESTHETICS ARE TO BE USED (such as operating rooms, delivery rooms, and major emergency treatment rooms).

(c) NUMBER OF RECEPTACLE OUTLETS.

(i) MINIMUM OF SIX RECEPTACLE OUTLETS IN OPERATING AND DELIVERY ROOMS. MINIMUM OF FOUR RECEPTACLE OUTLETS IN EMERGENCY TREATMENT ROOMS, BIRTHING ROOMS, ANESTHETIZING LOCATIONS AND SPECIAL PROCEDURES ROOMS. AT LEAST ONE RECEPTACLE OUTLET ON EACH WALL WHERE POSSIBLE. ADDITIONAL PROPERLY LOCATED RECEPTACLE OUTLETS SUITABLE FOR EQUIPMENT TO BE USED WITHOUT USE OF EXTENSION CORDS<sup>24</sup>.

(ii) TWO DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED, IN PATIENT ROOMS (INCLUDING LABOR, BIRTHING ROOMS, AND RECOVERY), three duplex receptacles per bed recommended.

(iii) FOUR DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED IN EACH INTENSIVE CARE<sup>43</sup> PATIENT ROOMS. AT LEAST SIX DUPLEX RECEPTACLES (OR EQUIVALENT)<sup>42</sup> FOR EACH INFANT STATION IN NEONATAL INTENSIVE CARE UNITS.<sup>43</sup>(iv) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> FOR EVERY TWO BASSINETS FOR FULL TERM INFANTS AND FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS.(v) CIRCUITS SERVING RECEPTACLES AT THE HEAD OF EACH BED IN ALL INTENSIVE CARE UNITS<sup>43</sup> SHALL SERVE NO OTHER RECEPTACLES OR OUTLETS.(vi) LIMITED TO SIX DUPLEX RECEPTACLES PER 20 AMP CIRCUIT IN ALL PATIENT CARE AREAS, INCLUDING OUTPATIENT CARE AREAS. LIMITED TO FOUR DUPLEX RECEPTACLES PER 20 AMP CIRCUIT SERVING PATIENT BEDS IN ALL INTENSIVE CARE UNITS.<sup>43</sup>(vii) AT LEAST ONE ADDITIONAL DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> AT A SEPARATE CONVENIENT LOCATION IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND ALL INTENSIVE CARE ROOMS).<sup>43</sup> ADDITIONAL RECEPTACLE IF TELEVISION IS PROVIDED.

(viii) HOSPITAL GRADE RECEPTACLES IN RECOVERY ROOMS AND ALL INTENSIVE CARE UNITS. Recommended in other patient care areas.

(ix) FIFTEEN OR TWENTY AMPERES, 125 VOLT RECEPTACLES IN ROOMS USED BY PEDIATRIC OR PSYCHIATRIC PATIENTS SHALL BE A TAMPER PROOF OR SAFETY TYPE DEVICE.

(x) One receptacle protected by ground fault circuit interrupter adjacent to mirror over lavatory recommended.

(xi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)<sup>42</sup> PER 4 LINEAR FEET OF COUNTER IN LABORATORY FACILITIES. SURFACE METAL RACEWAYS, IF USED, SHALL INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR CONNECTED TO EACH RECEPTACLE.

(d) LIGHTING FIXTURES.

(i) NUMBER, TYPE AND LOCATION OF LIGHTING FIXTURES TO PROVIDE ADEQUATE ILLUMINATION FOR THE FUNCTIONS OF EACH AREA.

(ii) A PROPERLY DESIGNED READING LAMP<sup>6</sup> CONVENIENTLY LOCATED FOR EACH BED IN PATIENT ROOMS.

(iii) SUITABLE LIGHT AT LAVATORIES IN PATIENT ROOMS AND PATIENT TOILET ROOMS.

(iv) NIGHT LIGHT LOCATED BELOW LEVEL OF THE PATIENT'S BED TO DIMLY LIGHT PATHWAY IN EACH PATIENT ROOM AND LOCATED AT PROPER INTERVALS IN CORRIDOR CEILINGS OR WALLS IN NURSING UNITS.

(v) SWITCHES FOR NIGHT LIGHTS AND GENERAL ILLUMINATION ADJACENT TO DOORS TO PATIENT ROOMS. SWITCHES LOCATED OUTSIDE PSYCHIATRIC AND PEDIATRIC PATIENT ROOMS. QUIET OPERATING SWITCHES IN NURSING UNITS.

(e) BRANCH CIRCUIT PANELS FOR ROOMS IN ALL INTENSIVE CARE UNITS<sup>43</sup> TO BE LOCATED IN EACH PATIENT ROOM OR OTHER LOCATION PROVIDING READY ACCESSIBILITY TO CIRCUIT BREAKERS FOR STAFF CARING FOR PATIENTS IN THESE ROOMS.

(f) EMERGENCY ELECTRICAL SERVICE. (REFER TO THE NATIONAL ELECTRIC CODE (NFPA - 70).)

(i) ADEQUATE ELECTRICAL GENERATING EQUIPMENT (OR EQUIVALENT) WITH AUTOMATIC TRANSFER TO THE EMERGENCY ELECTRICAL SERVICE IN CASE OF INTERUPTION OF NORMAL SERVICE.

(ii) EMERGENCY LIGHTING OF EXITS, STAIRS, PATIENTS' CORRIDORS, OPERATING ROOMS, DELIVERY ROOMS, BIRTHING ROOMS, EMERGENCY ROOMS, NURSERIES, ALL INTENSIVE CARE UNITS AND OTHER SPECIALIZED PATIENT CARE AREAS.

(iii) EMERGENCY POWER TO THE NURSES' CALL SYSTEM, THE FIRE ALARM SYSTEM, MEDICAL GAS SYSTEMS AND THEIR ALARMS, ELECTRICALLY OPERATED DOORS, REFRIGERATORS AND FREEZERS FOR BIOLOGICALS, ONE ELEVATOR SERVING ALL FLOORS AND ADEQUATE CONVENIENCE OUTLETS FOR CRITICALLY NEEDED EQUIPMENT IN ALL PATIENT CARE AREAS (e.g., recovery rooms, nurseries, operating rooms, delivery rooms, birthing rooms, emergency rooms, intensive care units and at intervals in nursing unit corridors) recommended for food refrigerators, culture incubators, ventilation units, sterilizers, x-ray machines, and heating plant.

(11) MISCELLANEOUS.

(a) FILM ILLUMINATORS. AT LEAST TWO X-RAY FILM ILLUMINATORS<sup>6</sup> IN EACH OPERATING ROOM, NEONATAL INTENSIVE CARE UNIT, ONE IN EACH MAJOR EMERGENCY TREATMENT ROOM, and one in each delivery room.

(b) CALL SYSTEM.

(i) PROPERLY LOCATED ELECTRICAL SIGNALLING DEVICE<sup>55</sup> AT THE HEAD OF EACH BED IN PATIENT ROOMS, (INCLUDING LABOR ROOMS AND BIRTHING ROOMS) AT EACH WATER CLOSET AND BATHING FACILITY FOR PATIENTS, AT EACH TREATMENT AREA IN PHYSICAL THERAPY DEPARTMENTS and in each dayroom, solarium, dining room(s) and patient dressing areas.

(ii) EACH CALL SIGNAL TO REGISTER BY LIGHT AT THE CORRIDOR DOOR, THE NURSES' STATION, AND AT OTHER NURSES WORK STATIONS SUCH AS UTILITY ROOMS. CALL SIGNALS INITIATED WITHIN OTHER DEPARTMENTS (such as x-ray and physical therapy) TO REGISTER AT

THE CONTROL POINT OF EACH DEPARTMENT. SIGNALS FROM WATER CLOSETS AND BATHING FACILITIES TO HAVE DISTINCTIVE LIGHT (flashing lights) AND AUDIBLE SIGNAL.

(iii) MEDICAL EMERGENCY SIGNAL DEVICE FOR USE OF THE NURSE IN EACH NURSERY ROOM, PSYCHIATRIC ROOMS, OPERATING, DELIVERY, BIRTHING ROOM, RECOVERY ROOMS, AND EACH PATIENT ROOM IN ALL INTENSIVE CARE UNITS; IN EACH TREATMENT ROOM AND NURSERY ROOM OF NEONATAL INTENSIVE CARE UNITS; AND IN EACH EMERGENCY TREATMENT, EXAMINATION AND OBSERVATION ROOM. TO REGISTER DISTINCTIVE AUDIBLE SIGNAL AT LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.

(iv) A CALL SIGNAL FOR NIGHT USE SHALL BE PROVIDED AT EMERGENCY ENTRANCES.

(c) TELEPHONES.

(i) ON EACH NURSING UNIT, SURGICAL SUITE AND OBSTETRICAL DELIVERY SUITE. ADDITIONAL TELEPHONES OR EXTENSIONS AS REQUIRED TO PROVIDE ADEQUATE COMMUNICATION (A MINIMUM OF ONE ON EACH FLOOR OF THE HOSPITAL).

(ii) PUBLIC TELEPHONE IN LOBBY.

(iii) Telephones or other similar means for two-way communication among departments of the hospital, including doctors' locker and lounge in surgery and delivery suite.

(d) CLOCKS.

(i) WALL MOUNTED CLOCKS PROPERLY LOCATED IN OPERATING ROOMS, DELIVERY ROOMS, BIRTHING ROOMS, EMERGENCY ROOMS, NURSERIES, INTENSIVE CARE UNITS, LABORATORIES and other suitable locations.

(ii) CLOCKS IN OPERATING ROOMS, DELIVERY ROOMS, EMERGENCY ROOMS AND ALL INTENSIVE CARE UNITS TO HAVE SWEEP SECOND HANDS.

(iii) Interval timers recommended.

(e) EQUIPMENT AND CASEWORK.

(i) DESIGNED, MANUFACTURED, AND INSTALLED FOR EASE OF PROPER CLEANING AND MAINTENANCE OF EQUIPMENT AND CASEWORK, AND SURROUNDING FLOOR AND WALLS.

(ii) DESIGN, MATERIALS, AND FINISHES SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iii) EQUIPMENT FOR FOOD SERVICE FUNCTIONS TO MEET STANDARDS OF NATIONAL SANITATION FOUNDATION,<sup>46</sup> OR EQUIVALENT.

(iv) ALL AUTOCLAVES TO HAVE RECORDING THERMOMETERS.

(f) Chutes.

(i) Linen chutes and trash chutes not recommended.

(ii) CHUTES DIRECTLY CONNECTED TO INCINERATORS NOT PERMITTED.

(iii) CYLINDRICAL DESIGN.

(iv) TWENTY-FOUR INCH MINIMUM DIAMETER.

(v) SMOOTH, WASHABLE INTERIOR FINISH, INCLUDING JOINTS.

(vi) SELF-CLOSING, TIGHT-FITTING ACCESS DOORS AT LEAST THIRTY INCHES FROM THE FLOOR.

(vii) ACCESS DOOR(S) IN SEPARATE ENCLOSED ROOM(S) OR SEPARATE AREA OF SOILED UTILITY OR CLEAN-UP ROOM USED FOR SOILED FUNCTIONS ONLY OR OTHER SIMILAR ROOM.

(viii) CHUTES TO DISCHARGE INTO SEPARATE ENCLOSED TRASH AND SOILED LINEN COLLECTION ROOMS.

(A) FLOOR DRAINS EQUIPPED WITH TRAP PRIMERS IN TRASH AND SOILED LINEN COLLECTION ROOMS.

(B) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN.

(ix) CHUTES DESIGNED AND/OR VENTILATED TO AVOID CONTAMINATION BY AIR FLOW FROM ACCESS DOORS WHEN OPENED.

(x) CHUTES PROVIDED WITH SUITABLE MEANS TO ADEQUATELY WASH ENTIRE LENGTH.

(g) HARDWARE.

(i) SELECTED TO SUIT THE FUNCTIONS OF EACH ROOM AND TO ENSURE QUIETNESS AND SANITATION.

(ii) PATIENT ROOM DOORS EQUIPPED TO HOLD OPEN IN ANY POSITION OR IN SEVERAL POSITIONS.

(iii) PROVISION FOR IMMEDIATE EMERGENCY ACCESS TO PATIENT ROOMS AND PATIENT TOILETS, SHOWERS, AND BATH ROOMS.

(iv) HARDWARE OF EXTERIOR DOORS DESIGNED TO PREVENT ENTRY OF UNAUTHORIZED PERSONS.

(h) IDENTIFICATION OF DOORS, ROOMS AND SPACES.<sup>24</sup>

(i) EACH ROOM AND SPACE NAMED AND NUMBERED IN CONSECUTIVE ORDER ON ALL DRAWINGS.

(ii) Each door numbered consecutively on all drawings.

(iii) Permanent label with the same identifying door and room numbers as used on the drawings attached to the outside upper strike side of each door.

#### NOTES:

<sup>6</sup> May be movable equipment.

<sup>24</sup> In accordance with program.

<sup>37</sup> See definition of "Grade", WAC 248-18-505.

<sup>38</sup> REFER TO STANDARD FOR THE USE OF INHALATION ANESTHETICS (FLAMMABLE AND NONFLAMMABLE) NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 56-A, 1973 EDITION AND NONFLAMMABLE MEDICAL GAS SYSTEMS, NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 56-F, 1977 EDITION.

<sup>39</sup> Use of the guide, published by the American Society of Heating, Refrigeration, and Air Conditioning Engineers, (ASHRAE) recommended for design of heating and ventilating systems.

<sup>40</sup> UNIFORM PLUMBING CODE, 1976 EDITION, BY INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS (IAPMO).

<sup>41</sup> Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists, or arms.

<sup>42</sup> Equivalent when used in reference to receptacle outlets means that two single receptacle outlets are considered to be equal to one duplex receptacle outlet.

<sup>43</sup> Refer to definitions of intensive care unit WAC 248-18-505(12), WAC 248-18-001(9), acute cardiac care unit WAC 248-18-001(2) and neonatal intensive care unit WAC 248-18-223 (1)(c) and (d).

<sup>44</sup> AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, (ASHRAE), STANDARD NO. 52-76, 1976 EDITION AND AIR-CONDITIONING AND REFRIGERATION INSTITUTE (ARI) STANDARD 680-74, 1974 EDITION.

<sup>45</sup> NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA) STANDARD NO. 90A-1975 EDITION.

<sup>46</sup> FOOD SERVICE EQUIPMENT STANDARDS OF THE NATIONAL SANITATION FOUNDATION, 1976, ANN ARBOR, MICHIGAN.

<sup>47</sup> Compressed air is filtered air free of oil and other substances, particles, or contaminants.

<sup>48</sup> Equivalent for x-ray receptacle outlet(s) refer to a battery operated self-contained x-ray machine.

<sup>53</sup> Recommend use of the following standards:

a. "Classification of Etiologic Agents on the Basis of Hazard"  
U.S. Dept. of Health, Education & Welfare Publication  
Public Health Service  
Center for Disease Control  
Office of Biosafety  
Atlanta, GA 30333

b. "Selecting a Biological Safety Cabinet"  
U.S. Dept. of Health, Education & Welfare  
Public Health Service  
National Institutes of Health  
National Cancer Institute  
Office of Research Safety  
Bethesda, MD 20014

c. For the design, construction and performance of "Class II Biohazard Cabinetry NSF No. 49"  
National Science Foundation  
NSF Building  
Ann Arbor, MI 48105

<sup>54</sup> Balance for appropriate positive and negative gradients will be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door).

<sup>55</sup> A PROPERLY LOCATED SIGNAL DEVICE SHALL BE ACTIVATED BY A NONCONDUCTIVE PULL CORD AT WATER CLOSETS AND BATHING FACILITIES. AT BATHING FACILITIES THE SIGNAL DEVICE PULL CORD SHALL BE LOCATED FOR EASY GRASP BY A PATIENT WHO IS IN OR HAS FALLEN BESIDE A BATHING FACILITY. AT A WATER CLOSET THE SIGNAL DEVICE PULL CORD SHALL BE LOCATED FOR EASY GRASP BY A PATIENT WHO HAS SLUMPED FORWARD ON THE WATER CLOSET OR FALLEN ONTO THE FLOOR.

<sup>56</sup> RINSE WATER TO BE ONE HUNDRED EIGHTY DEGREES FAHRENHEIT OR EQUIVALENT.

<sup>57</sup> UNDERWRITERS LABORATORIES (UL) 181-15 STANDARD FOR SAFETY AIR DUCTS, 1974 EDITION.

<sup>58</sup>SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., (SMACNA) ARLINGTON, VA., 1975 EDITION, SECTION D.4.10.

<sup>59</sup>Compressed Air Association Pamphlet No. P-2.1, 1967 Edition.

**WSR 80-04-080**  
**PROPOSED RULES**  
**COMMISSION ON EQUIPMENT**  
 [Filed March 31, 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 flashing amber lights, chapter 204-38 WAC and towing businesses, chapter 204-66 WAC;

that such agency will at 1:30 p.m., Friday, May 16, 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 1:30 p.m., Friday, May 16, 1980, in the large conference room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.37.005, 46.37.280 and 46.61.567.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16, 1980, and/or orally at 1:30 p.m., Friday, May 16, 1980, large conference room, General Administration Building, Olympia, Washington.

Dated: March 28, 1980

By: R. C. Dale  
 Secretary

Chapter 204-38 WAC  
 Flashing Amber Lights

NEW SECTION

WAC 204-38-010 PROMULGATION. By authority of RCW 46.37.005 and RCW 46.37.280, the State Commission on Equipment hereby adopts the following regulation pertaining to the use of flashing amber lights on motor vehicles.

NEW SECTION

WAC 204-38-020 PURPOSE. The purpose of this regulation is to ensure the safety and protection of the motoring public and those persons and equipment engaged in construction or maintenance upon, along, or adjacent to a public roadway.

NEW SECTION

WAC 204-38-030 DEFINITIONS. (1) "Flashing" lights shall include those lights which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicle engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

NEW SECTION

WAC 204-38-040 MOUNTING OF LAMPS. One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, and tow trucks. The lamp(s) shall be mounted and shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and WAC 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

NEW SECTION

WAC 204-38-050 USE OF LAMPS. Flashing amber lamps shall be used on the vehicles described in WAC 204-38-050 only when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. The lamps permitted by this chapter shall be of a type approved by the Commission on Equipment.

AMENDATORY SECTION (Amending Order 7720K, filed 1-23-80)

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)) chapter 204-66 WAC. 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 qualified tow truck shall be any tow truck which the inspector has found to fully conform with the requirements of 204-66-160 or 204-66-170 WAC.

(a) The decal will be affixed to the windshield on the lower right corner.

(b) Upon a subsequent inspection of a tow truck which has previously been found qualified and to which a decal has been affixed, the inspector may remove the decal from the tow truck if it is no longer found to be qualified.

(c) Upon termination of a letter of appointment, the decal will immediately be removed.

(d) 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.

(e) Upon the purchase or acquisition of any additional tow truck to be used pursuant to this ((regulation)) chapter, the operator shall immediately notify the commission and request an inspection of the new unit by the patrol.

**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 7720E, filed 5-2-79)

WAC 204-66-160 MINIMUM STANDARDS FOR TOW TRUCKS. (1) Except as provided in WAC 204-66-170, tow trucks



in response to requests from the patrol shall have a minimum manufacturer's gross (~~((vehicle))~~) vehicle weight rating of 10,000 pounds or its equivalent. Tow trucks shall be equipped with dual tires on the rear axle or duplex type tires, sometimes referred to as super single, with a load rating that is comparable to dual tire rating. Each tow truck shall also be equipped as follows:

~~((+))~~(a) With all legal light, equipment, and licensing requirements for trucks and/or tow trucks and the operation thereof.

~~((+))~~(b) Dual or single boom capacity of not less than six tons with dual winches to control a minimum of two service cables.

~~((+))~~(c) A minimum of one hundred feet of 3/8 inch continuous length cable, or its equivalent, in safe working condition on each drum.

(i) Each cable shall be capable of being fully extended from and fully wound onto its drum.

(ii) Cables, or wire ropes, shall be free from the following defects or conditions:

(A) more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay. Severely snagged, nicked, or bent wires shall count as broken wires.

(B) wear of one-third the original diameter of outside individual wires.

(C) kinking, crushing, birdcaging or any other damage resulting in distortion of the rope structure.

(D) evidence of any heat damage from any cause.

(E) reductions from nominal diameter of more than 3/64 inch for diameters up to and including 3/4 inch; 1/16 inch for diameters 7/8 inch up to and including 1 1/8 inches; 3/32 inch for diameters 1 1/4 inches up to and including 1 1/2 inches.

(F) core protrusion along the main length of the cable.

(G) end attachments that are cracked, deformed, worn or loosened.

(H) Where a wire rope is attached to a hook with clamps instead of being swaged, a minimum of three clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the rope. The "U" bolt will be placed over the short or "dead" end of the rope.

~~((+))~~(d) One revolving or intermittent red light with 360 degree visibility. Such red light will not be used when responding to a call, but only at the scene when necessary to warn approaching traffic of impending danger.

~~((+))~~(e) A broom and shovel.

~~((+))~~(f) A tow sling or other comparable device made of a material designed to protect vehicles/motorcycles while being towed.

~~((+))~~(g) A 20 BC rating fire extinguisher(s) or equivalent.

~~((+))~~(h) A minimum of two snatch blocks or their equivalent in working condition.

~~((+))~~(i) A portable dolly, or its equivalent, for hauling vehicles that are not towable.

~~((+))~~(j) Two pinch bars or equivalent (~~((devices))~~) devices.

~~((+))~~(k) A two-way radio having the ability to communicate with a base station.

~~((+))~~(l) Portable lights for unit being towed including, but not limited to, taillights, stop lights, and directional signals.

(2) In addition to the preceding, the following is required:

~~((+))~~(a) Tow truck interior will be reasonably clean.

~~((+))~~(b) Tow truck drivers will clean accident/incident scenes of all glass and debris.

~~((+))~~(c) All equipment used in conjunction with the tow truck must be commensurate with the manufacturer's (~~((basic))~~) basic boom rating.

~~((+))~~(d) All tow trucks shall display the firm's name, address, and telephone number. Such information shall be painted on or permanently affixed to the vehicle in letters and numerals at least three inches high.

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 7720B, filed 7-27-78)

**WAC 204-66-170 TOW TRUCK CLASSIFICATIONS.** (1) Class "A": Tow trucks that are capable of towing and recovery operations for passenger cars, pickup trucks, small trailers, or equivalent vehicles. The minimum standards stated in WAC 204-66-160 shall apply to class "A" tow trucks.

(2) Class "B": Tow trucks that are capable of towing and recovery operations for medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks shall have:

(a) A minimum manufacturer's gross vehicle weight rating of 16,000 pounds or its equivalent.

(b) Boom capacity of not less than ten tons.

(c) A minimum of one hundred and fifty feet of 7/16 inch continuous length cable, or its equivalent, on each drum in working condition and subject to the same limitations and requirements as stated in WAC 204-66-160(c) (i) and (ii).

(d) The remaining minimum standards stated in WAC 204-66-160.

(3) Class "C": Tow trucks that are capable of towing and recovery operations for large trucks, road tractors, trailers, or equivalent vehicles. Class "C" tow trucks shall have:

(a) Tandem rear axle truck chassis.

(b) Boom capacity of not less than twenty tons.

(c) A minimum of one hundred and fifty feet of 9/16 inch continuous length cable, or its equivalent, on each drum in working condition and subject to the same limitations and requirements as stated in WAC 204-66-160(c) (i) and (ii).

(d) Air brakes and an air system capable of supplying air to the towed unit.

(e) The remaining minimum standards stated in WAC 204-66-160; provided portable dollies shall not be required.

(4) Class "D": All other tow trucks that do not meet the classification requirements in WAC 204-66-160 and 170, and which are specially approved by the commission. Prior to special approval, the district commander concerned shall have stated in writing the need for, capabilities, size, and equipment of the tow truck.

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 80-04-081

### PROPOSED RULES

### DEPARTMENT OF AGRICULTURE

[Filed March 31, 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, WAC 16-230-160, 16-230-170, 16-230-180 and 16-230-190;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, April 4, 1980, in the Director's office.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 4, 1980.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-02-169 filed with the code reviser's office on February 6, 1980.

Dated: March 31, 1980

By: Art G. Losey  
Assistant Director

**WSR 80-04-082**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed March 31, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities (copies of the rules are shown below, however, changes may be made at the public hearing.);

that such agency will at 1:30 p.m., Wednesday, May 7, 1980, in the Franklin House, 301 South Wenatchee Avenue, Wenatchee, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Wednesday, May 7, 1980, in the Franklin House, 301 South Wenatchee Avenue, Wenatchee, WA.

The authority under which these rules are proposed is WAC 230-20-130 is promulgated pursuant to RCW 9.46.070(1) and (10), WAC 230-25-030 is promulgated pursuant to RCW 9.46.070(1) and 9.46.020(23), WAC 230-25-033 is promulgated pursuant to RCW 9.46.070(13) which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW, WAC 230-40-030 is promulgated pursuant to RCW 9.46.070(10), WAC 230-40-225 is promulgated pursuant to RCW 9.46.070(10) and WAC 230-42-010 is promulgated pursuant to RCW 9.46.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 7, 1980, and/or orally at 1:30 p.m., Wednesday, May 7, 1980, Franklin House, 301 South Wenatchee Avenue, Wenatchee, WA.

Dated: March 31, 1980

By: Jeffrey O. C. Lane  
 Assistant Attorney General

**AMENDATORY SECTION (Amending Order #68, filed 4-25-77)**

**WAC 230-20-130 OPERATION OF BINGO UPON RETAIL BUSINESS - CONDITIONS.** (1) Bingo games shall not be operated upon a premises part of a retail sales or service business catering to the public except:

((+))**(a)** When the room or other portion of the premises in which the bingo games are being conducted is separate and apart from the portion being used for the retail sales or service business. The area of the premises being used for bingo shall be separated from the area of the premises being used for the retail business, at minimum, by a transparent or solid barrier not less than seven feet high with no more than two openings between the two areas. Each such opening shall be no more than six feet in width; or

((+))**(b)** When the business is closed to the public at all times during which the bingo games are conducted on the premises; or

((+))**(c)** When the bingo games are being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

(2) In all cases the bingo operator must have, and exercise, complete control over that portion of the premises being used for bingo, at all times said games are being played: **PROVIDED, HOWEVER,** That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

(3) The operator of a retail sales or service business shall limit his operation of pull tabs to that portion of the premises actually being

used for such retail business and open to the public. He shall not operate pull tabs in the area of the premises being used by a bona fide charitable or bona fide nonprofit organization to conduct bingo. The retail operator shall not be deemed to have operated pull tabs in the bingo area solely because the pull tab players may take them into that area, if the tabs are selected and purchased by the players, and prizes determined and paid, in the area used for the retail business.

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo operator or participate in the operation of the bingo games on that premises.

**AMENDATORY SECTION (Amending Order #87, filed 10-20-78)**

**WAC 230-25-030 FUND RAISING EVENT - FIVE THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM.** No licensee authorized to conduct one fund raising event for a period of three consecutive days once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

No licensee authorized to conduct a fund raising event on two occasions during a calendar year for not more than one calendar day each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed five thousand dollars at the end of any calendar day upon which such event is conducted, or during the calendar year in which such activity is authorized.

The licensee shall develop and post conspicuously and in detail in the area in which the gambling is taking place ((any and all)) a scheme(s) for the distribution to the participants of any receipts beyond those permitted to the organization by ((law)) this rule, and shall offer all participants at the event an equal opportunity to participate in such scheme ((or schemes)). The scheme may provide for such distribution to be of more money, or equivalent prizes, than is necessary to ensure the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded. The proposed scheme shall be clearly and fully set out and submitted with the application to the commission for a license to conduct the fund raising event.

Winners of all prizes shall be determined during the fund raising event. All prizes shall be paid or distributed to the winners not later than 30 calendar days following the conclusion of the event.

**NEW SECTION**

**WAC 230-25-033 FUND RAISING EVENTS ON NEW YEAR'S EVE EXTENDING PAST MIDNIGHT.** For the purposes of computing and applying limitations in chapter 9.46 RCW and these rules upon income to the licensee and upon the number of events, or days in such events, in a calendar year, a multi-day fund raising event which (1) includes any part of December 31 less than the full calendar day, and (2) continues past midnight into the new calendar year, shall be treated as if each day of the event, or portion thereof, had been held solely in the new calendar year.

A class B license is required to conduct such an event since at least two calendar days are involved. The licensee may hold no other fund raising event at any time during that new calendar year, except as may be permitted by application of this rule.

**AMENDATORY SECTION (Amending Order #23, filed 9-23-74)**

**WAC 230-40-030 NUMBER OF TABLES AND PLAYERS LIMITED.** (1) No licensee to allow a public card room on its premises shall allow more than five separate tables at which card games are played, nor shall allow more than eight ((players)) persons to participate at any one table at any given time: **PROVIDED, That up to eleven persons may participate in any game of "Hold-Em" poker.**

(2) No licensee to allow a social card room on its premises shall allow more than eight ((players)) persons to participate at any one table at any given time: **PROVIDED, That up to eleven persons may participate in any game of "Hold-Em" poker.**

(3) The commission may permit a licensee to exceed these limits on specific occasions for good cause shown. Requests to exceed the limit shall be submitted to the commission in writing not less than 30 days preceding the date upon which the licensee wishes to exceed the limit.

The request shall indicate the date(s) involved, the reasons why the request is made, and the number of games and ((players)) persons in the games which the licensee desires to allow on that occasion.

**AMENDATORY SECTION** (Amending Order #29, filed 1-23-75)

**WAC 230-40-225 HOUSE DEALER ALLOWED IN ((PAN)) CERTAIN CARD GAMES.** (1) Notwithstanding the provisions of WAC 230-40-200, any licensee may furnish a dealer or "mucker" in any pan game played on the licensed premises, who shall have no financial interest, directly or indirectly, in the outcome of such game and who shall not otherwise participate or play in the game.

(2) Notwithstanding the provisions of WAC 230-40-200, any licensee may furnish a dealer in any "Hold-Em" poker game played on the licensed premises, who shall have no financial interest, directly or indirectly, in the outcome of such game and who shall not otherwise participate or play in the game.

**AMENDATORY SECTION** (Amending Order #74, filed 8-17-77)

**WAC 230-42-010 TAX ON COIN OPERATED ((GAMING)) GAMBLING DEVICE.** ((1)) In addition to any other fees and taxes imposed by statute or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the internal revenue code (79 Stat. 148; 26 U.S.C. § 4461), as amended and in effect on March 11, 1976.

((The amount of such tax shall be equal to 80 percent of the amount of the tax required to be paid to the federal government. Such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the internal revenue code (85 Stat. 534; 26 U.S.C. § 4462).

((This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the internal revenue code (79 Stat. 149; 26 U.S.C. § 4462).

((2)) The tax established in subsection (1) shall be payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The licensee shall submit this tax with the Washington state coin-operated gaming device tax return. Payment shall be made in the form of cash, check, or money order.

((The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid. PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year.

((3)) The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state

((4)) The following proration schedule shall apply for each coin-operated gaming device:

((MACHINES IN OPERATION DURING THE MONTH OF -	AMOUNT DUE FOR EACH MACHINE
July	\$200.00
August	183.37
September	166.70
October	150.03
November	133.36
December	116.69
January	100.02
February	83.35
March	66.68
April	50.01
May	33.34
June	16.67))

(1) A tax is imposed by RCW 9.46.115 upon any person who maintains for use, or permits the use of, a coin-operated gambling device on any place or premises occupied by that person. The tax is two hundred and fifty dollars per year. It applies to any such device so maintained or permitted at any time during the tax year. No such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That if one such device is replaced by another and removed from play, the replacement device is not considered an additional device for that year.

(2) The tax is payable to the commission on or before June 20 of each year in advance of the following tax year, July 1 through June 30. The tax upon such devices initially put out for public play in months after July of a tax year shall be due not less than ten days prior to placing the device out for play.

(3) The tax does not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for use. For example, if the device is initially put out in September, no tax need be paid for July or August. The following proration schedule shall apply for each coin-operated gambling device:

DEVICE PLACED IN OPERATION IN THE MONTH OF -	AMOUNT DUE FOR EACH DEVICE
July	\$250.00
August	229.17
September	208.33
October	187.50
November	166.67
December	145.83
January	125.00
February	114.17
March	83.33
April	62.50
May	41.67
June	20.83

(4) The taxpayer shall submit a completed Washington state coin-operated gambling device tax return form developed by the commission together with payment of the tax. Payment shall be by cash, check or money order.

(5) The licensee shall post the validated receipt showing proof of payment of this tax with the license issued by the Washington state gambling commission to operate punchboards or pull tabs prior to placing any coin-operated ((gaming)) gambling device for which the tax has been paid, out for public play.

(6)(a) Under RCW 9.46.115(2)(a), and for the purposes of this section, a coin-operated gambling device means a machine which is:

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application, in whole or in part, of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(ii) A machine which is similar to machines described in subparagraph (i) of this subsection and is operated without the insertion of a coin, token, or similar object.

(b) The term "coin-operated gambling device" does not include:

(i) A bona fide vending or amusement machine in which no gambling feature is incorporated; or

(ii) A vending machine operated by means of the insertion of a coin of not more than ten cents which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than twenty-five cents, and if the only prize dispensed is merchandise and not cash or tokens.

(c) A tax shall not be imposed on a device which is commonly known as a claw, crane, or digger machine if:

(i) The charge for each operation of the device is not more than twenty-five cents;

(ii) The device never dispenses a prize other than merchandise of a maximum retail value of one dollar, and with respect to the device there is never a display or offer of any prize or merchandise other than merchandise dispensed by the machine;

(iii) The device is actuated by a crank and operates solely by means of a nonelectrical mechanism; and

(iv) The device is not operated other than in connection with and as a part of an agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or a civic center of a county, city, or town; or a world's fair or similar exposition which is approved by the bureau of international expositions at Paris, France; or a community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held.

(7) The tax imposed by RCW 9.46.115 is in addition to any tax imposed upon such coin-operated gambling devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

(8) This rule shall be effective on June 1, 1980.

ALTERNATE #1

AMENDATORY SECTION (Amending Order #74, filed 8-17-77)

WAC 230-42-010 TAX ON COIN OPERATED ((GAMING)) GAMBLING DEVICE. ((†)) In addition to any other fees and taxes imposed by statute or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the internal revenue code (79 Stat. 148; 26 U.S.C. § 4461), as amended and in effect on March 11, 1976.

((The amount of such tax shall be equal to 80 percent of the amount of the tax required to be paid to the federal government. Such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the internal revenue code (85 Stat. 534; 26 U.S.C. § 4462).

((This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the internal revenue code (79 Stat. 149; 26 U.S.C. § 4462).

((2) The tax established in subsection (1) shall be payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The licensee shall submit this tax with the Washington state coin-operated gaming device tax return. Payment shall be made in the form of cash, check, or money order.

((The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year.

((3) The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

((4) The following proration schedule shall apply for each coin-operated gaming device:

(MACHINES IN OPERATION DURING THE MONTH OF -	AMOUNT DUE FOR EACH MACHINE
July	\$200.00
August	183.37
September	166.70
October	150.03
November	133.36
December	116.69
January	100.02
February	83.35
March	66.68
April	50.01
May	33.34
June	16.67)

(1) A tax is imposed by RCW 9.46.115 upon any person who maintains for use, or permits the use of, a coin-operated gambling device on any place or premises occupied by that person. The tax is two hundred and fifty dollars per year. It applies to any such device so maintained or permitted at any time during the tax year. No such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That if one such device is replaced by another and removed from play, the replacement device is not considered an additional device for that year.

(2) The tax is payable to the commission on or before June 20 of each year in advance of the following tax year, July 1 through June 30. The tax upon such devices initially put out for public play in months after July of a tax year shall be due not less than ten days prior to placing the device out for play.

(3) The tax does not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for use. For example, if the device is initially put out in September, no tax need be paid for July or August. The following proration schedule shall apply for each coin-operated gambling device:

DEVICE PLACED IN OPERATION IN THE MONTH OF -	AMOUNT DUE FOR EACH DEVICE
July	\$250.00
August	229.17
September	208.33

DEVICE PLACED IN OPERATION IN THE MONTH OF -

AMOUNT DUE FOR EACH DEVICE

October	187.50
November	166.67
December	145.83
January	125.00
February	114.17
March	83.33
April	62.50
May	41.67
June	20.83

(4) The taxpayer shall submit a completed Washington state coin-operated gambling device tax return form developed by the commission together with payment of the tax. Payment shall be by cash, check or money order.

(5) The licensee shall post the validated receipt showing proof of payment of this tax with the license issued by the Washington state gambling commission to operate punchboards or pull tabs prior to placing any coin-operated ((gaming)) gambling device for which the tax has been paid, out for public play.

(6)(a) Under RCW 9.46.115(2)(a), and for the purposes of this section, a coin-operated gambling device means a machine which is:

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application, in whole or in part, of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(ii) A machine which is similar to machines described in subparagraph (i) of this subsection and is operated without the insertion of a coin, token, or similar object.

(b) The term "coin-operated gambling device" does not include:

(i) A bona fide vending or amusement machine in which no gambling feature is incorporated; or

(ii) A vending machine operated by means of the insertion of a coin of not more than ten cents which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than twenty-five cents, and if the only prize dispensed is merchandise and not cash or tokens.

(c) A tax shall not be imposed on a device which is commonly known as a claw, crane, or digger machine if:

(i) The charge for each operation of the device is not more than twenty-five cents;

(ii) The device never dispenses a prize other than merchandise of a maximum retail value of one dollar, and with respect to the device there is never a display or offer of any prize or merchandise other than merchandise dispensed by the machine;

(iii) The device is actuated by a crank and operates solely by means of a nonelectrical mechanism; and

(iv) The device is not operated other than in connection with and as a part of an agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or a civic center of a county, city, or town; or a world's fair or similar exposition which is approved by the bureau of international expositions at Paris, France; or a community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held.

(7) The tax imposed on any device which is employed in such a manner as to qualify as an amusement game as defined in RCW 9.46.020 and the rules and regulations of the commission shall be imposed without regard to the number of players or playing stations which are operated or are activated by a single motor or other drive mechanism contained within and comprising a single unit or structure.

(8) This rule shall be effective on June 1, 1980.

ALTERNATE #2

AMENDATORY SECTION (Amending Order #74, filed 8-17-77)

WAC 230-42-010 TAX ON COIN OPERATED ((GAMING)) GAMBLING DEVICE. ((†)) In addition to any other fees and taxes imposed by statute or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the internal revenue code (79 Stat. 148; 26 U.S.C. § 4461), as amended and in effect on March 11, 1976.

~~((The amount of such tax shall be equal to 80 percent of the amount of the tax required to be paid to the federal government. Such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the internal revenue code (85 Stat. 534; 26 U.S.C. § 4462).~~

~~((This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the internal revenue code (79 Stat. 149; 26 U.S.C. § 4462).~~

~~((2) The tax established in subsection (1) shall be payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The licensee shall submit this tax with the Washington state coin-operated gaming device tax return. Payment shall be made in the form of cash, check, or money order.~~

~~((The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year.~~

~~((3) The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.~~

~~((4) The following proration schedule shall apply for each coin-operated gaming device:~~

<del>((MACHINES IN OPERATION DURING THE MONTH OF -</del>	<del>AMOUNT DUE FOR EACH MACHINE</del>
<del>July</del>	<del>\$200.00</del>
<del>August</del>	<del>183.37</del>
<del>September</del>	<del>166.70</del>
<del>October</del>	<del>150.03</del>
<del>November</del>	<del>133.36</del>
<del>December</del>	<del>116.69</del>
<del>January</del>	<del>100.02</del>
<del>February</del>	<del>83.35</del>
<del>March</del>	<del>66.68</del>
<del>April</del>	<del>50.01</del>
<del>May</del>	<del>33.34</del>
<del>June</del>	<del>16.67))</del>

~~(1) A tax is imposed by RCW 9.46.115 upon any person who maintains for use, or permits the use of, a coin-operated gambling device on any place or premises occupied by that person. The tax is two hundred and fifty dollars per year. It applies to any such device so maintained or permitted at any time during the tax year. No such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That if one such device is replaced by another and removed from play, the replacement device is not considered an additional device for that year.~~

~~(2) The tax is payable to the commission on or before June 20 of each year in advance of the following tax year, July 1 through June 30. The tax upon such devices initially put out for public play in months after July of a tax year shall be due not less than ten days prior to placing the device out for play.~~

~~(3) The tax does not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for use. For example, if the device is initially put out in September, no tax need be paid for July or August. The following proration schedule shall apply for each coin-operated gambling device:~~

<del>DEVICE PLACED IN OPERATION IN THE MONTH OF -</del>	<del>AMOUNT DUE FOR EACH DEVICE</del>
<del>July</del>	<del>\$250.00</del>
<del>August</del>	<del>229.17</del>
<del>September</del>	<del>208.33</del>
<del>October</del>	<del>187.50</del>
<del>November</del>	<del>166.67</del>
<del>December</del>	<del>145.83</del>
<del>January</del>	<del>125.00</del>
<del>February</del>	<del>114.17</del>
<del>March</del>	<del>83.33</del>
<del>April</del>	<del>62.50</del>
<del>May</del>	<del>41.67</del>
<del>June</del>	<del>20.83</del>

~~(4) The taxpayer shall submit a completed Washington state coin-operated gambling device tax return form developed by the commission~~

together with payment of the tax. Payment shall be by cash, check or money order.

(5) The licensee shall post the validated receipt showing proof of payment of this tax with the license issued by the Washington state gambling commission to operate punchboards or pull tabs prior to placing any coin-operated ((gaming)) gambling device for which the tax has been paid, out for public play.

(6)(a) Under RCW 9.46.115(2)(a), and for the purposes of this section, a coin-operated gambling device means a machine which is:

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application, in whole or in part, of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(ii) A machine which is similar to machines described in subparagraph (i) of this subsection and is operated without the insertion of a coin, token, or similar object.

(b) The term "coin-operated gambling device" does not include:

(i) A bona fide vending or amusement machine in which no gambling feature is incorporated; or

(ii) A vending machine operated by means of the insertion of a coin of not more than ten cents which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than twenty-five cents, and if the only prize dispensed is merchandise and not cash or tokens.

(c) A tax shall not be imposed on a device which is commonly known as a claw, crane, or digger machine if:

(i) The charge for each operation of the device is not more than twenty-five cents;

(ii) The device never dispenses a prize other than merchandise of a maximum retail value of one dollar, and with respect to the device there is never a display or offer of any prize or merchandise other than merchandise dispensed by the machine;

(iii) The device is actuated by a crank and operates solely by means of a nonelectrical mechanism; and

(iv) The device is not operated other than in connection with and as a part of an agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or a civic center of a county, city, or town; or a world's fair or similar exposition which is approved by the bureau of international expositions at Paris, France; or a community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held.

(7) The tax imposed by RCW 9.46.115 does not apply to any device which is operated as an "amusement game" as defined by RCW 9.46.020(1) and as required by the rules and regulations of the commission.

(8) This rule shall be effective on June 1, 1980.

**WSR 80-04-083**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1493—Filed April 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 provision of social security numbers, amending WAC 388-24-052.

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 amendments are necessary to comply with federal requirements.

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 April 1, 1980.

By N. S. Hammond  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1054, filed 9/25/75)

**WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS.** (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to

(a) Furnish a social security number for all persons ((included in the application)) whose needs are considered in determining the amount of assistance, or

(b) Apply for social security numbers if they are unknown or have not been issued.

(2) ((The requirement of subsection (1) shall be applicable to recipients no later than the next regular re-determination of eligibility.)) The applicant/recipient has the responsibility to report promptly and accurately any new social security number within twenty days of its receipt per WAC 388-38-255.

(3) Assistance will not be denied, delayed or terminated pending issuance of social security numbers if the applicant/recipient provides verification that he/she has met the requirement in subdivision (1)(b) or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the social security administration or recipient.

(4) If the applicant or recipient fails or refuses to comply with the requirement to furnish or apply for social security numbers for each person included in the ((application)) assistance unit, eligibility for such person(s) cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a social security number by referring him or her to the nearest social security office and by furnishing to the client from department records any verification requested by the social security administration.

(6) These rules shall be effective April 1, 1980.

**WSR 80-04-084**  
**PROPOSED RULES**  
**OFFICE OF FINANCIAL MANAGEMENT**  
[Filed April 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, WAC 82-28-080;

that such agency will at 9:00 a.m., Wednesday, May 7, 1980, in the Room 105, House Office 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, May 7, 1980, in Room 105, House Office 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 May 7, 1980 and/or orally at 9:00 a.m., Wednesday, May 7, 1980, Room 105, House Office Building, Olympia, Washington.

Dated: April 1, 1980

By: Dan Pensula for  
M. Lyle Jacobsen  
Director

**AMENDATORY SECTION** (Amending Order 46, filed 3/14/80)

**WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED ((AUTOMOBILES)) MOTOR VEHICLES.** (1) Reimbursement shall be allowed at a rate not to exceed 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 transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by ((speedometer)) odometer readings. "Vicinity" miles as determined by ((speedometer)) odometer 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¢)) 14¢ per mile.

(3) Reimbursement shall be payable to only one of two or more employees traveling ((on the same trip)) in the same ((automobile)) motor vehicle on the same trip.

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 80-04-085**  
**EMERGENCY RULES**  
**OFFICE OF FINANCIAL MANAGEMENT**  
[Order 47—Filed April 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 present rate per mile paid for the use of a privately-owned vehicle when a state vehicle is available does not accurately reflect the cost to operate such vehicle and it is in the best interest

of state officials and employees to have the increased rate effective as soon as possible.

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

This rule is promulgated pursuant to RCW 43.03.050 and 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 April 1, 1980.

By Dan Pensula for  
M. Lyle Jacobsen  
Director

AMENDATORY SECTION (Amending Order 46, filed 3/14/80)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED ((AUTOMOBILES)) MOTOR VEHICLES. (1) Reimbursement shall be allowed at a rate not to exceed 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 transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by ((speedometer)) odometer readings. "Vicinity" miles as determined by ((speedometer)) odometer 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 ((+2¢)) 14¢ per mile.

(3) Reimbursement shall be payable to only one of two or more employees traveling ((on the same trip)) in the same ((automobile)) motor vehicle on the same trip.

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 80-04-086  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed April 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 examinations—Minimum qualifications waived or modified—Examinations modified, amending WAC 356-22-130;

that such agency will at 10:00 a.m., Thursday, May 8, 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, May 8, 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 .050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1980, and/or orally at 10:00 a.m., Thursday, May 8, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: March 21, 1980

By: Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order #120, filed 5/12/78)

WAC 356-22-130 EXAMINATIONS—MINIMUM QUALIFICATIONS WAIVED OR MODIFIED—EXAMINATIONS MODIFIED. (1) Upon the written request of the appointing authority, the Director of Personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when (a) there is an incomplete register following recent recruiting; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the Director of Personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The Director of Personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the Director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The Director of Personnel may modify or substitute, for a handicapped applicant, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the handicap of the individual to be tested when, in the judgment of the Director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the handicap.

(4) When a development plan established and administered by the Division of Human Resource Development is available for a classification, confirmed completion of this Class Development Plan (CDP) admits the applicant to the next examination for that class. If the examination does not include an oral, the employee may in the absence of a current bulletin be examined under the previous bulletin for the class upon successful completion of the CDP.

WSR 80-04-087  
NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE UNIVERSITY  
[Memorandum, Secretary—March 28, 1980]

On November 16, 1979, the Board of Regents of Washington State University set a schedule for meetings in 1980, and notice was provided to the Washington State Register by letter dated December 19, 1979. See WSR 80-01-076. At the Board's meeting on March 7, 1980, the Board changed the meeting previously scheduled for July 25, 1980, to July 28, 1980. Listed below are the dates, places, and times for all regular meetings now scheduled in 1980.



April 28, 1980 University Towers, Seattle, 9:00 a.m.  
 June 6, 1980 Wilson Compton Union Building,  
 Pullman, 9:00 a.m.  
 July 28, 1980 Coastal Washington Research and  
 Extension Unit, Long Beach, 8:30 a.m.  
 September 26, 1980 Wilson Compton Union Building,  
 Pullman, 9:00 a.m.  
 October 24, 1980 Wilson Compton Union Building,  
 Pullman, 9:00 a.m.  
 November 21, 1980 Intercollegiate Center for Nursing  
 Education, Spokane, 9:00 a.m.

**WSR 80-04-088****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.36 RCW, that the Washington State Department of Agriculture, Olympia, Washington, intends to adopt, amend, or repeal rules concerning interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk, new sections WAC 16-101-700 and 16-101-710, repealing WAC 16-101-400;

that such agency will at 1:30 p.m., Wednesday, May 14, 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 10:00 a.m., Friday, May 30, 1980, in the Director's Office, Department of Agriculture, 406 General Administration Building, Olympia.

The authority under which these rules are proposed is chapter 15.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 1:30 p.m., Wednesday, May 14, 1980, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: April 1, 1980  
 By: James E. Wommack  
 Assistant Director  
 Supervisor Dairy and Food

**NEW SECTION**

**WAC 16-101-700 INTERPRETATION FOR THE ENFORCEMENT OF CHAPTER 15.36 RCW RELATING TO PASTEURIZED MILK.** The Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: **PROVIDED**, That the following portions of Part I Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW.

- (1) Part I. Grade A Pasteurized Milk Ordinance:  
 (a) Section 1. Paragraph A through Paragraph L-2, pages 19-20.  
 (b) Section 6. Paragraph 4, pages 24-25.  
 (c) Section 7. Table 1, Line 4, page 26.  
 (2) Part II. Administrative Procedures:  
 (a) Section 1. Paragraph A through Paragraph L-2, pages 35-36.  
 (b) Section 6. Paragraph 4, page 42.

- (c) Section 7. Table 1, Line 4, page 45.  
 (d) Item 6r Administrative Procedures #2, page 49.  
 (e) Sections 15, 16, and 17, page 86.  
 (f) Appendix E, pages 131-132.  
 (g) Appendix K, page 183.  
 (h) Appendix L, page 185.

As the Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**NEW SECTION**

**WAC 16-101-710 SUSPENSION OF GRADE A PERMIT.** Section 6, paragraph 6, Part I, Grade "A" Pasteurized Milk Ordinance, page 25, and Part II Administrative Procedures, page 42, are changed to read:

Whenever an antibiotic or pesticide residue test is positive, an immediate suspension of Grade A permit shall be instituted. An investigation shall be made to determine the cause of the residue and the cause shall be corrected. An additional sample shall be taken and tested for antibiotic or pesticide residues and no milk shall be offered for sale until it is shown by a subsequent sample to be free of antibiotic or pesticide residues or below the actionable levels established for such residues. The suspension of the Grade A permit shall remain in effect until the residue is below the actionable level, but in no case shall the suspension be in effect for less than four calendar days.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- (1) **WAC 16-101-400 PROMULGATION**

**WSR 80-04-089****PROPOSED RULES****INSURANCE COMMISSIONER**

[Filed April 1, 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 terms under which a surplus line broker may place insurance with an unauthorized alien insurer that does not meet the financial requirements set forth in RCW 48.15.090. Final wording of the annexed proposed rule may be changed prior to final adoption;

that such agency will at 10 a.m., Monday, May 12, 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., Monday, May 12, 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 48.15.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1980, and/or orally at 10 a.m., Monday, May 12, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

Dated: April 1, 1980  
 By: Robert E. Johnson  
 Deputy Commissioner

**NEW SECTION**

**WAC 284-12-024 WAIVER OF UNAUTHORIZED ALIEN INSURERS' FINANCIAL REQUIREMENTS.** Until January 1, 1981, in circumstances where insurance cannot be otherwise procured on risks located in this state, a surplus line broker may place insurance with an unauthorized alien insurer that does not meet the financial requirements of RCW 48.15.090 if, at the time of the placement, such alien insurer is listed in the current Non-Admitted Insurers Quarterly Listing issued by the Non-Admitted Insurers Information Office of the National Association of Insurance Commissioners.

**WSR 80-04-090  
PROPOSED RULES  
BOARD OF HEALTH**  
[Filed April 1, 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:

- Amd ch. 248-72 WAC Camps and Parks.
- Rep WAC 248-72-100 Milk and Cream;

that such agency will at 9:00 a.m., Wednesday, May 14, 1980, in the North 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, May 14, 1980, in the North 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 May 14, 1980, and/or orally at 9:00 a.m., Wednesday, May 14, 1980, North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated: March 31, 1980  
By: John A. Beare M.D.  
Secretary

Chapter 248-72  
**CAMPS ((AND PARKS))**

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- (1) WAC 248-72-100 MILK AND CREAM

**WSR 80-04-091  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Institutions)  
[Filed April 1, 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 Sanctions—Limitations, amending WAC 275-88-110.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 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, May 21, 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 72.01.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 10:00 a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: March 31, 1980  
By: N. S. Hammond  
Executive Assistant

**AMENDATORY SECTION (Amending Order 1185, filed 2/3/77)**

**WAC 275-88-110 SANCTIONS—LIMITATIONS.** (1) No resident shall be subject to disciplinary action for violation of resident conduct rules unless there has been reasonable advance notice to the resident of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) A resident placed in segregation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless circumstances such as staffing, space, institutional security and order and/or safety, etc. make this unfeasible, in which cases such resident shall be allowed as much exercise as is feasible in the judgment of staff. Such limitations shall be approved in advance by a staff member of rank of lieutenant or higher.

(e) Be visited by a physician, nurse, medic, or hospital supervisor at least ~~((once per day))~~ three times per week. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility.

(5) A resident placed in isolation shall:

- (a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;
- (b) Be provided the same opportunities for personal hygiene as are available to the general population;
- (c) Retain his rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal or program involvement material;
- (d) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility;
- (e) Be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;
- (f) Be visited by a staff member at least twice during each daily shift to ascertain his well being. Each such visit and findings shall be recorded;
- (g) Be accessible to the counselor assigned to him.

**WSR 80-04-092**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 1, 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 Service within sixty days—Tolling, amending WAC 388-11-045.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 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, May 21, 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 May 14, 1980, and/or orally at 10:00

a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: March 31, 1980

By: N. S. Hammond  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1465, filed 12/14/79)

**WAC 388-11-045 SERVICE WITHIN SIXTY DAYS—TOLLING.** If the notice and finding of financial responsibility is not served within sixty days from (~~the date~~) the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought, the department shall lose the right to reimbursement of payments made after the sixty days and before the date of service of the notice: **PROVIDED**, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty day period is tolled until such time as the debtor can be located: **PROVIDED FURTHER**, This section shall not be applicable to support obligations owed for months prior to September 1, 1979, and the sixty-day period shall commence on the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized or on September 1, 1979, whichever is later.

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 80-04-093**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 1, 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 publication of fair hearing decision, repealing WAC 388-08-610.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 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, May 21, 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 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to May 14, 1980, and/or orally at 10:00 a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: March 31, 1980

By: N. S. Hammond  
Executive Assistant

#### REPEALER

The following section of the Washington Administrative Code is repealed:

- (1) WAC 388-08-610 PUBLICATION OF FAIR HEARING DECISION

**WSR 80-04-094**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-19—Filed April 1, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 correct an error in WAC 220-56-250. Herring are no longer present in Budd Inlet in significant numbers.

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 April 1, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-56-25000A LING COD AREAS** *Notwithstanding the provisions of WAC 220-56-250, effective immediately until further notice, it shall be unlawful to take, fish for or possess lingcod for personal use from Punch Card Area 8.*

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-49-02000E CLOSED AREA -  
HERRING (80-9)

- WAC 220-49-05600A CLOSED AREA -  
SMELT (80-9)  
WAC 220-56-02000A UNLAWFUL ACTS -  
HERRING AND  
SMELT (80-9)  
WAC 220-56-05000B DISABILITY PERMITS  
- RAZOR CLAM (80-6)

#### **WSR 80-04-095**

#### **ADOPTED RULES**

#### **DEPARTMENT OF TRANSPORTATION**

[Order 52—Filed April 1, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D 9, Highway Administration Building, Olympia, Washington, the annexed rules relating to WAC 468-66-030, General Provisions (2) and (12), WAC 468-66-140 Permits (3) and repeal WAC 468-66-040.

This action is taken pursuant to Notice No. WSR 80-02-141 filed with the code reviser on 2/4/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.42.060 which directs that the Department of Transportation has authority to implement the provisions of chapter 47.42 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 March 17, 1980.

By W. A. Bulley  
Secretary of Transportation

**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 468-66-140 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 80-04-096**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
 [Memorandum, Director—April 1, 1980]

Planning and Community Affairs Advisory Council

The Planning and Community Affairs Advisory Council will meet on Tuesday, April 29, 1980, at 10:00 a.m. in the Planning and Community Affairs Agency conference room, 410 West 5th, Olympia. For additional information, contact Gary Tusberg, Deputy Director, Planning and Community Affairs Agency, 400 Capitol Center Building, FN-41, Olympia, Washington 98504, telephone (206) 753-2203.

Educational Television Commission

The Educational Television Commission will meet on Wednesday, April 16, 1980, at 9:00 a.m. at the University of Washington, Administration Building, Room 142, Seattle. For additional information, contact Doris Coates, Local Government Services Division, 400 Capitol Center Building, FN-41, Olympia, Washington 98504 telephone (206) 753-4940.

**WSR 80-04-097**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning access to public records relating to protecting public records and making them readily accessible to the public, adopting chapter 180-10 WAC;

that such agency will at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, Wa, conduct a hearing relative thereto;

and that the adopting, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 16, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, Wa.

The authority under which these rules are proposed is RCW 42.17.010, 42.17.020, 47.17.250 [42.17.250] through 42.17.340 and 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 15, 1980, and/or orally at 9:00 a.m., Thursday, May 15, 1980, Library, Frontier Junior High School, 517 West Third, Moses Lake, Wa.

Dated: April 1, 1980  
 By: Wm. Ray Broadhead  
 Secretary

Chapter 180-10 WAC  
**ACCESS TO PUBLIC RECORDS**

NEW SECTION

WAC 180-10-001 **PURPOSE.** Rules and regulations set forth herein are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public.

NEW SECTION

WAC 180-10-003 **DESCRIPTION OF ORGANIZATION.** The state board of education is created by law in chapter 28A.04 RCW. The board consists of two members from each congressional district in the state elected by the members of school district boards of directors and serving staggered six year terms. The superintendent of public instruction is the ex officio president and chief executive officer of the board and votes only to break ties where action is essential. A secretary to the state board is appointed by the superintendent of public instruction and maintains the record of board proceedings. General powers of the board affect teacher training and certification programs, school accreditation, school building assistance, school district organization and classification, general government of the schools, approval of basic education programs, and other matters relating to safety and discipline of pupils and instructional program improvement.

NEW SECTION

WAC 180-10-005 **OPERATIONS AND PROCEDURES.** The state board is required by law to hold an annual meeting and other meetings as it deems necessary to conduct its business. Pursuant to the Washington State Register Act of 1977, the state board publishes a schedule of its meetings and proposed permanent rule actions in the Washington State Register. Places for the meetings are scheduled in convenient locations across the state. The secretary to the state board of education maintains a complete record of all board proceedings and supporting materials developed by staff of the superintendent of public instruction.

NEW SECTION

WAC 180-10-010 **ADMINISTRATIVE PRACTICE REGARDING ACCESS TO PUBLIC RECORDS.** It is recognized by the state board of education that the superintendent of public instruction and his or her staff maintain and administer the public records of the board. Accordingly, the records of the state board of education shall be subject to public access in accordance with the applicable rules in chapter 392-105 WAC as now or hereafter adopted and codified: **PROVIDED,** That prior to the amendment or repeal of such rules the superintendent or his or her designee shall review such changes as pertain to records of the board with the board.

**WSR 80-04-098**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning chapter 180-16 WAC, State Support of Public Schools, relating to implementation of RCW 28A.41.130 and 28A.58.754 which authorizes and requires the adoption of program standards that govern a school district's entitlement to basic education allocation funds pursuant to RCW 28A.41.130 and related statutes and appropriation acts;

that such agency will at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, 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, May 16, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, Wa.

The authority under which these rules are proposed is RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 15, 1980, and/or orally at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, Wa.

Dated: April 1, 1980  
By: Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 10-79, filed 9/12/79)

**WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS.** The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated employees shall not exceed ~~((thirty))~~ twenty-two to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-five to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).

(2) Current and valid certificates. Every school district employee required by state statute and/or rule of the state board of education to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential.

(3) Participation in accreditation. Each school district shall participate in an accreditation process in accordance with the provisions of RCW 28A.04.120(4) and chapter 180-56 WAC, each as now or hereafter amended.

(4) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading and mathematics for grades kindergarten through eight and on or before September 1, 1981, for grades nine through twelve.

(a) Each school district must evidence community participation in defining the student learning objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed at least every two years by the school district.

**AMENDATORY SECTION** (Amending Order 3-78, filed 6/5/78)

**WAC 180-16-225 WAIVER—GROUNDS AND PROCEDURE.** (1) Grounds. The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through ~~((180-16-215))~~ 180-16-220(1) only if a school district's failure to comply with such requirement(s) is found by the state board to be caused by levy failure and/or substantial lack of classroom space as set forth below:

(a) Levy failure. For the school years 1978-79 through 1980-81 the state board may waive the requirements of WAC 180-16-200 through ~~((180-16-215))~~ 180-16-220(1) if the board finds that the noncompliance has been caused by special levy failure. As a condition to a waiver

based on levy failure the state board will consider and a school district must demonstrate at least the following:

(i) That the district made reasonable efforts to submit a levy proposition to the voters twice during the levy year in an amount sufficient to enable it to meet these entitlement requirements, and

(ii) That the district's failure to comply with these entitlement requirements was caused by the lack of the revenue that would have been received from the levy. Noncompliance may be deemed to have been caused by a levy loss if the school district can demonstrate that all funds that it reasonably has available to support basic education are not sufficient to enable it to meet the referenced entitlement requirements.

(b) Substantial lack of classroom space. The state board may waive the requirements of WAC 180-16-200 through ~~((180-16-215))~~ 180-16-220(1) if the board finds that the noncompliance has been caused by a substantial lack of classroom space. As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate at least that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental, to enable the district to comply with the referenced entitlement requirements.

(2) Waiver procedure. In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of levy loss or substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

(3) Nonwaiverable requirements. The certification and the student learning objectives requirements set forth in WAC 180-16-220(2) and (4) may not be waived for any reason.

(4) Deviations from certain supplemental requirements. The state board may allow deviations from the ~~((thirty-to-one-ratio-and-the))~~ participation in accreditation requirements set forth in WAC 180-16-220 ~~((1-and))~~ (3) for such reason(s) as the board deems reasonable.

WSR 80-04-099

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning chapter 180-30 WAC, School Building Construction relating to the program for barrier free facilities pursuant to provisions of section 504, Public Law 93-112, Rehabilitation Act of 1973 as amended (makes permanent amendments previously adopted on an emergency basis); procedures for review of project plans; and rules for equipment allowances and purchases;

that such agency will at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, 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, May 16, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.



The authority under which these rules are proposed is chapter 28A.47 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 15, 1980, and/or orally at 9:00 a.m., Thursday, May 15, 1980, Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.

Dated: April 1, 1980  
By: Wm. Ray Broadhead  
Secretary

#### NEW SECTION

WAC 180-30-071 GENERAL REGULATION—CHANGE IN PROJECT SCOPE. A project for which the state board of education has granted approval of preliminary plans shall not be increased in excess of ten percent of the total floor area eligible for state matching purposes except upon approval by the state board.

#### AMENDATORY SECTION (Amending Order 7-69, filed 10/31/69)

WAC 180-30-100 BASIC STATE SUPPORT LEVEL—RELATED FACTORS. The amount of state assistance to a school district in providing school plant facilities shall be determined on the basis of component factors, as hereinafter in WAC 180-30-110 through 180-30-135 set forth, relating to (a) the number of unhouseed students, (b) space allocations, (c) square foot cost allowance which may fluctuate according to the construction cost index and state resources available, (d) allowance for equipment purchases, (e) the amount of insurance, federal or other nontax source local funds applied to a project and ~~((e))~~ (f) certain specified costs which must be financed entirely by the school district. The limitations specified in the aforementioned factors represent the level of state support within funds available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of the respective school districts.

#### NEW SECTION

WAC 180-30-116 BASIC STATE SUPPORT LEVEL—EQUIPMENT ALLOWANCE. (1) An allowance for furniture and equipment purchases shall be added to the total construction cost of a project determined eligible for state matching funds. The equipment allowance for state matching purposes shall be developed by multiplying the eligible square foot area of a project by the prevailing square foot cost level of state support times two percent for elementary, three percent for middle or junior high, four percent for high schools and five percent for vocational-technical facilities.

(2) The school district shall submit to the superintendent of public instruction certification of equipment purchase in the form and in the manner prescribed within one hundred and eighty days following the final acceptance of the building by the school district board of directors.

(3) Any allotment of funds not required to provide state matching funds for equipment purchases certified for a specific project as set forth above shall revert to the fund from which the allotment was made.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant.

(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 a state grant in 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.

(5) Consideration of an allotment of state funds pursuant to provisions of WAC 180-30-800 through 180-30-845 is not conditional upon compliance with provisions of WAC 180-30-035.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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))~~ (2) Costs of a modification project considered eligible for a state ~~((assistance))~~ grant 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))~~ eligible portion of the project cost; and (c) architectural and engineering services applicable to the ~~((matchable))~~ eligible construction costs of the project within constraints of WAC 180-30-120 and 180-30-320.

~~((3))~~ (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)).~~

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

WAC 180-30-810 PROGRAM FOR BARRIER FREE FACILITIES—APPLICATION REQUIREMENTS AND PROCEDURAL REGULATIONS ((GOVERNING STATE ASSISTANCE)). All applications for a state ~~((assistance))~~ grant, allocations of state funds and disbursement of school district and state funds for approved 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.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant 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, unless otherwise in receipt of project approval pursuant to provisions of WAC 180-30-805(2).

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant, that the modification plan meets state board requirements and that state 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.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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, if required, 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 ~~((180-30-265))~~ 180-30-805 may be considered for retroactive contract approval.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 upon determination that state funds are available ~~((for state assistance in))~~ for 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.

#### AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 80-04-100**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning chapter 180-75 WAC, General Certification Provisions, relating to provisions to ensure uniform application and interpretation of various certification rules; that such agency will at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, 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, May 16, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1), (2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 15, 1980, and/or orally at 9:00 a.m., Thursday, May 15, 1980, Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.

Dated: April 1, 1980  
By: Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-030 APPEAL PROCEDURE—FORMAL PROCESS.** (1) Any person who has filed an appeal in accordance with WAC 180-75-020 and desires to have the denial of his or her application reviewed further may do so if the reviewing officer has not reversed the decision to deny the application. To instigate review under this section, a person must file a written notice with the state board of education within twenty calendar days following the date of mailing of the review officer's decision.

(2) For purposes of hearing an appeal under this section, the state board of education shall designate hearing examiners, the superintendent of public instruction, acting on behalf of the state board of education, shall select a hearing examiner to hear a particular appeal. Decisions in cases formally appealed by applicants pursuant to this section are to be made by the hearing examiner selected by the superintendent of public instruction, in conformance with the provisions of the code reviser's rules of procedure (chapter 1-08 WAC) and the administrative procedure act (chapter 34.04 RCW).

The appeal shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-040 NOTIFICATION OF REVOCATION OF CERTIFICATES.** The office of the superintendent of public instruction shall notify all other states that a certificate has been revoked and shall provide the full name and certificate number to the agency responsible for certification in each state. A notice of revocation of a certificate may be made to educational agencies within the state of Washington.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-045 CERTIFICATE VALIDITY.** Any certificate issued pursuant to chapters 180-77 or 180-79 WAC shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the certificate until such certificate expires or is revoked. A certificate which is issued to an individual who does not meet all requirements set forth in this chapter and chapters 180-79 or 180-80 WAC is null and void.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-050 CERTIFICATE REQUIRED.** Persons serving as teachers(;) in public or private schools or as principals(;) or educational staff associates(;) in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles.

**NEW SECTION**

**WAC 180-75-061 APPLICATION FOR CERTIFICATION.** An individual who completes a state board of education approved preparation program in Washington state and is, thereby, eligible to apply for a Washington state certificate must apply for such certificate within twelve calendar months after completion of the approved program.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-065 FEE FOR CERTIFICATION.** (1) In accordance with provisions of RCW 28A.70.110 and 28A.71.100, the fee for any certificate which is valid for more than one year, or for renewal or reinstatement of such certificate, or for an additional endorsement to such certificate, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be fifteen dollars: PROVIDED, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be one dollar.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.70.110. The fee shall not be refunded unless the application is withdrawn before it is finally considered by the superintendent of public instruction or his or her designee. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

**AMENDATORY SECTION** (Amending Order 5-79, filed 5/22/79)

**WAC 180-75-070 USE OF FEE FOR CERTIFICATION.** (1) Certification fees will be used solely for precertification professional preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for

distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs, except when approved in advance by the superintendent of public instruction or his or her designee, are college/university tuition and fees and the rental or purchase of facilities or equipment.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

#### AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-075 EDUCATIONAL EXPERIENCE ACCEPTABLE FOR CERTIFICATION. (1) Experience for obtaining, maintaining and renewing certification. To satisfy experience requirements for obtaining, maintaining and renewing a certificate, an individual must complete experience in an educational setting as defined in WAC 180-79-010 or as authorized for a vocational certificate in chapter 180-77 WAC.

(2) Any year during which an individual unsuccessfully completes a probationary period and has been discharged or nonrenewed in accordance with RCW 28A.67.065 and 28A.67.070 shall not be considered a year of experience for purposes of obtaining, maintaining or renewing a certificate.

#### AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state must give evidence of good moral character, personal fitness, no convictions for crimes against the laws of the state, and no convictions for crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children as verified by a signed affidavit: PROVIDED, That the superintendent of public instruction may issue an emergency certificate pursuant to WAC 180-79-230 to an applicant who is on parole or probation.

(3) Competency. A candidate for certification shall demonstrate knowledge and skill in the areas specified by the state board of education as minimum generic standards for the respective certificate type and level set forth in WAC 180-79-130 through 180-79-210.

(4) Academic. A candidate for certification shall have successfully completed an approved program or have qualified under WAC 180-75-100 and/or 180-79-245 through 180-79-250: PROVIDED, That no more than five quarter hours of correspondence credit shall be acceptable toward continuing level certification.

(5) Experience. All candidates for continuing level certification shall have completed three years of certificated service in the respective role in an educational setting.

(6) Probationary status. A certificate shall not be issued to any candidate who is in a probationary status as defined in RCW 28A.67.065 as teacher, educational staff associate, or administrator at the time of application for a certificate.

(7) Program completion. A candidate for an initial or continuing certificate shall provide verification that he/she has completed an approved preparation program.

Subsections (3), (4) and (5) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

#### AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-090 PERMITS. (1) Alien permits.

(a) Alien permits may be issued under this section to aliens who have declared their intent to become citizens of the United States of America, have filed an application for a permit, and who have completed all requirements for a certificate: PROVIDED, That the issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(b) An alien permit is valid for a term equivalent to the period of validity of the certificate for which it is issued. Aliens seeking renewal ((of)) or reinstatement of alien permits must comply with requirements specified in WAC 180-79-065: PROVIDED, That for vocational permits, aliens seeking renewal or reinstatement must comply with the requirements of chapter 180-77 WAC.

(2) Temporary alien permits. A temporary alien permit to serve as an exchange teacher and valid for one academic year may be issued to nonimmigrant aliens who have filed an application for a permit, have complied with conditions prescribed in RCW 28A.67.020, and have training and experience which at a minimum are equivalent to standards for the initial teaching certificate as set forth in this chapter.

(3) General permits.

(a) Permits may be issued under this section to those persons who have filed an application for a certificate; who have completed all requirements for provisional, initial, standard, or continuing certification; and who have accepted or are being considered for employment requiring a permit or certificate pursuant to RCW 28A.67.010.

(b) The issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(c) An individual may apply for a permit directly to the superintendent of public instruction: PROVIDED, That in the case of an individual completing requirements for certification in a Washington state institution of higher education the request may also be made to that institution.

(d) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the qualifications on his/her permit.

(e) A permit is valid for ninety consecutive calendar days commencing with the date following the date of issuance and is not renewable.

(4) Issuing authority. The superintendent of public instruction shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED (~~TEACHERS~~) EDUCATIONAL PERSONNEL—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS.** The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.93.010 and RCW 28A.93.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

**WSR 80-04-101**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed April 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional preparation—Certification requirements, relating to clarification of intent of rules to facilitate administration of standards for professional education and certification, chapter 180-79 WAC;

that such agency will at 9:00 a.m., Thursday, May 15, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, 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, May 16, 1980, in the Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1), (2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 15, 1980, and/or orally at 9:00 a.m., Thursday, May 15, 1980, Library, Frontier Junior High School, 517 West Third, Moses Lake, WA.

Dated: April 1, 1980  
 By: Wm. Ray Broadhead  
 Secretary

**AMENDATORY SECTION** (Amending Order 6-78, filed 5/26/78)

**WAC 180-79-010 DEFINITIONS.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "agency," "program approval," "accreditation," "cooperation," "program unit," "endorsement," "interstate compact," "minimum generic standards," "program outcomes," "site visit," "general professional organization," "school organization," "college or university," and "specialized associations," as defined in WAC 180-78-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) "Certificate" shall mean the license issued by the superintendent of public instruction to teachers, administrators, and school specialized personnel (educational staff associates) verifying that the individual has met the requirements set forth in this chapter and authorizing the individual to serve in the schools of this state pursuant to RCW 28A.67.010.

(3) "Certificate reinstatement" shall mean the process whereby the validity of any certificate not subject to renewal may be reestablished.

(4) "Certificate renewal" shall mean the process whereby the validity of an initial certificate may be reestablished.

(5) "Certificate revocation" shall mean the process whereby an individual's certificate is rescinded pursuant to RCW 28A.70.160 and 28A.70.170.

(6) "Classroom teaching" shall mean instructing pupils in a classroom setting.

(7) "Elementary level" shall mean grades K through 8.

(8) "Educational setting" shall mean any setting, the primary purpose for which is to instruct/teach children, youth, or adults or to administer such instruction/teaching. This shall include but not be limited to state board of education approved instate public and non-public schools; out-of-state K-12 schools; preschools; educational service districts; the office of the superintendent of public instruction; and institutions of higher education: PROVIDED, The office of the superintendent of public instruction shall have final authority to determine whether a specific setting qualifies as an educational setting for purposes of this chapter.

(9) "Out-of-state applicant" shall mean an applicant for a Washington state certificate who completed preparation for such certificate in a state other than Washington and who has not previously held a Washington state certificate covering the professional role for which he or she is seeking Washington state certification.

(10) "Field experience" shall mean a sequence of learning experiences which occur in actual K-12 school settings or clinical and laboratory settings. Such learning experiences are related to specified program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

((+0)) (11) "Secondary level" shall mean grades 7 through 12.

**AMENDATORY SECTION** (Amending Order 7-79, filed 5/22/79)

**WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS.** (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reinstate a standard certificate or on application and payment of the fee as specified in WAC 180-75-065(1): PROVIDED, That all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued: PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting as defined herein and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: PROVIDED FURTHER, That any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(2) Except as noted in subsection (1) above, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) Until such time as programs are approved under standards set forth in chapter 180-78 WAC, but not later than June 1, 1983, as specified in WAC 180-78-025, program standards and certificate requirements set forth in chapters 180-80 and 180-84 WAC shall continue in effect.

**AMENDATORY SECTION** (Amending Order 6-78, filed 5/26/78)

**WAC 180-79-060 LEVELS OF CERTIFICATES.** Three levels of certification may be issued:

(1) Preparatory certificate.

(a) The preparatory certificate is optional and authorizes training experiences under supervision in school or school related settings while the individual is participating in an approved program.

(b) The preparatory certificate is valid for one year and may be reissued on recommendation from a state board of education approved preparation program.

(c) The preparatory certificate will be issued to those teacher, administrator and educational staff associate candidates who:

(i) Meet the relevant statutory and general requirements as set forth in WAC ((~~180-79-105~~) 180-75-080 and/or ((~~180-79-110~~) 180-75-085).

(ii) Have the preparatory level knowledge and skill specified in a state board of education approved program; and

(iii) Are recommended for preparatory certification by the administrator of such program.

(d) This certificate does not authorize employment in the professional role and shall not be a certificate within the meaning of RCW 28A.67.010.

(2) Initial certificate. The initial certificate is valid for four years and authorizes school service in a particular role and allows the holder to assume independent responsibility for working with children, youth, and adults. An initial certificate shall be issued only to those persons who meet the requirements of this chapter.

(3) Continuing certificate. The continuing certificate is valid on a continuing basis and authorizes school service in a particular role and will be issued only to persons who meet the requirements of this chapter. The certificate indicates that the holder has completed additional academic, experience, and competency requirements beyond the initial certificate level.

#### AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

##### WAC 180-79-065 CERTIFICATE LAPSE, RENEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on verification ((~~by an approved program that work has begun toward continuing level certification~~)) the individual is formally enrolled in a continuing level preparation program. The applicant for renewal shall provide a written statement from the college or university where he or she is officially enrolled in a continuing level program verifying his or her status and describing the program of courses and/or experiences planned for continuing level certification: PROVIDED, That no more than ten years has elapsed since the completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated for a three-year period if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program ((~~and verification of minimum generic standards for initial certification~~)). Such preparation should be applicable to the continuing certificate.

##### (2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state ((~~board of education~~)) approved preparation program offered by a regionally accredited college or university and ((~~demonstrate~~)) provide evidence of knowledge and skill in the minimum generic standards required for continuing certification: PROVIDED, That coursework taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement and that no more than five quarter (three semester) hours of correspondence credit shall be acceptable toward renewal or reinstatement requirements set forth above.

(3) Recency of training and experience. If an applicant has not served in an educational setting or has not completed a preparation program within the seven-year period preceding application for a certificate or has not completed fifteen quarter (ten semester) hours of coursework in an accredited four-year college or university within the three years immediately preceding application for a certificate, he/she will be required to complete refresher study consisting of fifteen quarter (ten semester) hours of coursework applicable to his or her field of study or specialization in order to be eligible for certification.

#### AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-100 PERSONNEL ASSIGNMENT. (1) Teachers. Local districts shall assign secondary teachers holding initial level certificates to ((~~recommended assignment~~)) endorsed areas and levels only. Teachers holding initial level elementary endorsement shall be assigned to elementary grades only. Teachers holding continuing level certificates should be assigned to recommended areas and levels or to

areas and levels in which they have demonstrated competency during professional service: PROVIDED, That teachers holding certificates endorsed for grades K-8 or 7-12 may be assigned to junior high schools and middle schools: PROVIDED FURTHER, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize initially certificated teachers to serve at different grade levels or in different subject matter fields from those recommended.

(2) Educational staff associates. Assignments to serve in educational staff associate roles shall be limited to persons holding valid educational staff associate certificates with appropriate endorsements.

(3) Administrators. Assignment of persons to serve as principals or vice principals shall be limited to persons holding valid administrator certificates with the appropriate endorsement(s): PROVIDED, That principals holding certificates endorsed for grades K-8 or 7-12 may be assigned to junior high schools and middle schools.

(4) School districts shall assign beginning teachers who hold provisional certificates issued under rules set forth in chapter 180-80 WAC to the elementary, junior high or senior high school levels and to subject fields in accordance with the beginning teacher's preparation as recommended by the college or university where the individual completed preparation for certification. Such assignment shall obtain during the beginning teacher's first year of teaching: PROVIDED, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize beginning teachers to teach at different grade levels or in different subject matter fields from those recommended.

#### AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-115 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

##### (1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university. Candidates for secondary certificates shall have completed the degree major in an academic field; candidates for elementary certificates shall have completed the degree major in an academic field or teaching specialization. If the degree major is elementary education, the candidate must have at least one area of emphasis in an academic field.

(b) Candidates shall give evidence that they have completed in-school, clinical, and laboratory experiences which include observations and at least eight weeks of practice teaching under supervision in a state board of education approved or accredited public or nonpublic K-12 classroom(s).

##### (2) Continuing.

(a) Candidates shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which thirty quarter hours (twenty semester hours) must be taken after the first year of teaching: PROVIDED, That if the individual is pursuing study in a new subject matter field or specialization, the preparing college or university may accept study in lower division courses toward continuing certification if the superintendent of public instruction or his or her designee so authorizes.

(b) Candidates shall have completed at least three years of service ((~~as a teacher~~)) in ((~~a classroom teaching role in~~)) an educational setting, at least two years of which shall be as a classroom teacher in grades K-12.

#### AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-120 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

##### (1) Superintendent.

##### (a) Initial.

(i) The candidate shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work.



(ii) The candidate shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

(iii) The candidate shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee.

(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program.

(b) Continuing.

(i) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher certificate at the time he or she applies for the initial principal's certificate.

(ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: PROVIDED, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 for teachers.

(iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.

(iv) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of ~~((graduate-level))~~ work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in an approved program for preparation of principals.

(b) Continuing.

(i) The candidate shall hold a master's degree.

(ii) The candidate shall have completed at least three years of experience as a principal, vice principal, or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate.

(ii) The candidate shall hold a master's degree.

(iii) The candidate shall have completed at least three years of certificated service in an educational setting, grades K-12.

(iv) The candidate shall have completed an internship.

(b) Continuing.

(i) The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work ~~((beyond))~~ subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate shall have completed at least three years of experience as a program administrator in a district-wide assignment.

#### AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality. Candidates for continuing level certification shall have completed at least three years of certificated service in an educational setting in the respective ESA role for which he or she is seeking certification.

(1) Communication disorders specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) Counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) Occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist registered with the American occupational therapy association.

(ii) The candidate shall have completed field experience in an educational setting which includes observation as well as practice under supervision.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

(4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a probational certificate to practice as a physical therapist.

(ii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate at the time he or she applies for the reading resource specialist's initial certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.



(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree.

(ii) The candidate shall have completed at least one thousand two hundred hours of field experience in an educational setting, K-12, under the supervision of a certificated master of social work.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

**AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)**

**WAC 180-79-245 RECIPROCITY.** Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who:

(a) Qualifies under provisions of the interstate compact or of this chapter; or

(b) Holds the appropriate degree as set forth in WAC 180-79-250; has completed a state(~~(, regional, or nationally)~~) approved (~~(or accredited)~~) preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued; and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards: PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting.

(2) Continuing certificate. The continuing certificate shall be issued (~~(only)~~) on verification from a Washington state board of education approved preparation program that the individual meets relevant academic and experience requirements and minimum generic standards set forth in this chapter or on direction from the superintendent of public instruction or his or her designee: PROVIDED, That any out-of-state candidate who through no fault of his or her own is unable to gain admission to a state board of education approved program relevant to his or her certification during the four year period for which the initial certificate is valid, may request that the superintendent of public instruction or his or her designee issue a continuing certificate. The superintendent or his or her designee shall secure verification from an out-of-state college or university having a state approved or accredited preparation program and from supervisors that relevant academic and experience requirements and continuing level minimum generic standards set forth in this chapter have been demonstrated within the seven-year period immediately prior to application for the certificate or the applicant shall complete recency requirements set forth in WAC 180-79-065(3).

(3) Until such time as the state board of education approves programs of preparation consistent with chapter 180-78 WAC, out-of-state candidates may:

(a) Seek certification under provisions of chapter 180-79 WAC; or

(b) Request that the superintendent of public instruction or his or her designee secure verification of academic and experience requirements and minimum generic standards for certification in accordance with provisions of this chapter.

**AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)**

**WAC 180-79-250 DEGREE AND PREPARATION REQUIRED FOR OUT-OF-STATE CANDIDATES FOR INITIAL CERTIFICATION.** The superintendent of public instruction will issue an initial certificate on verification that the candidate meets relevant general and experience requirements for initial certification set forth in WAC (~~(180-79-105)~~) 180-75-080, (~~(180-79-110)~~) 180-75-085, and 180-79-115 through 180-79-125 and evidence of the following:

(1) Teacher. Completion of a state(~~(, regional, or nationally)~~) approved(~~(/accredited)~~) teacher education program and a baccalaureate degree from a regionally accredited college or university.

(2) Administrator.

(a) Completion of a state(~~(, regional, or nationally)~~) approved(~~(/accredited)~~) administrator preparation program in the appropriate endorsement area(~~(s)~~) (superintendent, principal, or program administrator) from a regionally accredited college or university.

(b) Applicants for endorsement as a superintendent must hold a master's degree in a field related to educational administration and must have completed an internship or one year of experience as a superintendent as verified by the local district board of directors.

(c) Applicants for the principal's endorsement must hold a baccalaureate degree and must have completed thirty quarter hours (twenty semester hours) of graduate work applicable to a master's degree in educational administration and an internship under supervision or one year of experience as a school principal as verified by the district superintendent or his/her designee.

(d) Applicants for the program administrator's endorsement must hold a master's degree in a subject matter field or educational staff associate specialization and shall have served at least one year in a district-wide administrative role responsible for management of a program or special area of curriculum and instruction.

(3) Educational staff associate. Completion of a state(~~(, regional, or nationally)~~) approved(~~(/accredited)~~) preparation program in the respective educational staff associate field from a regionally accredited college or university and the following degree and licensing requirements:

(a) Psychologist. Provide evidence of completion of an approved/accredited master's degree in school psychology.

(b) Counselor. Provide evidence of completion of an approved/accredited master's degree in school counseling and guidance.

(c) Nurse. Provide evidence of completion of an approved/accredited baccalaureate degree in nursing with an emphasis in school and/or community health and licensure in Washington state as an RN.

(d) Communication disorders specialist. Provide evidence of completion of an approved/accredited master's degree program with a major in speech pathology and/or audiology.

(e) School social worker. Provide evidence of completion of an approved/accredited master's degree in social work (MSW).

(f) Occupational therapist. Provide evidence of completion of an approved/accredited baccalaureate program in occupational therapy and status as an occupational therapist registered with the American occupational therapy association.

(g) Reading resource specialist. Provide evidence of completion of an approved/accredited master's degree in the reading resource specialization.

(h) Physical therapist. Provide evidence of the following:

(i) A baccalaureate degree;

(ii) A certificate of completion; or

(iii) A master's degree.

The applicant must hold a current Washington state license as a physical therapist or a valid probational certificate.

**WSR 80-04-102**

**EMERGENCY RULES**

**STATE BOARD OF EDUCATION**

[Order 4-80—Filed April 1, 1980]

Be it resolved by the State Board of Education, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to school building construction, chapter 180-30 WAC.

We, the State Board of Education, 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 it finds that the immediate adoption of amendments to WAC 180-30-805, 180-30-807, 180-30-810, 180-30-825, 180-30-830, 180-30-835, 180-30-840 and 180-30-845

is necessary for the preservation of the public health, safety, or general welfare, and observance of the requirements of notice and opportunity to present views on proposed action would be contrary to the public interest; the reasons for the above finding is that rules and regulations as set forth in paragraph (A) above need corrective language to permit state funding for the barrier free facilities program in accordance with Substitute Senate Bill No. 2963. Accordingly, the State Board of Education hereby adopts the proposed amendments to WAC 180-30-805, 180-30-807, 180-30-810, 180-30-825, 180-30-830, 180-30-835, 180-30-840 and 180-30-845 as emergency rules, to become effective immediately upon filing with the Code Reviser and to remain in effect for ninety days or until the effective date of like permanent amendments hereafter adopted, whichever period is shorter.

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

This rule is promulgated pursuant to chapter 28A.47 RCW which directs that the State Board of Education has authority to implement the provisions of Substitute Senate Bill No. 2963.

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 March 14, 1980.

By Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant.

(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 a state grant in 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.

(5) Consideration of an allotment of state funds pursuant to provisions of WAC 180-30-800 through 180-30-845 is not conditional upon compliance with provisions of WAC 180-30-035.

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant 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))~~ eligible portion of the project cost; and (c) architectural and engineering services applicable to the ~~((matchable))~~ eligible construction costs of the project within constraints of WAC 180-30-120 and 180-30-320.

~~((3)))~~ (2) 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))~~.

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

WAC 180-30-810 PROGRAM FOR BARRIER FREE FACILITIES—APPLICATION REQUIREMENTS AND PROCEDURAL REGULATIONS ((GOVERNING STATE ASSISTANCE)). All applications for a state ~~((assistance))~~ grant, allocations of state funds and disbursement of school district and state funds for approved 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.

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ~~((assistance))~~ grant 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, unless otherwise in receipt of project approval pursuant to provisions of WAC 180-30-805(2).

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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 a state ((~~assistance~~)) grant, that the modification plan meets state board requirements and that state 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.

AMENDATORY SECTION (Amending Order 1-80, filed 2/5/80)

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, if required, 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)~~) 180-30-805 may be considered for retroactive contract approval.

**AMENDATORY SECTION** (Amending Order 1-80, filed 2/5/80)

**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 upon determination that state funds are available (~~(for state assistance in)~~) for 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.

**AMENDATORY SECTION** (Amending Order 1-80, filed 2/5/80)

**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 80-04-103**  
**PROPOSED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
**(State Building Code Advisory Council)**  
 [Filed April 1, 1980]

This is under WAC 180-30-845

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 19.27.075, that the State Building Code Advisory Council (PCAA provides administrative staff support to the State Building Code Advisory Council), intends to adopt, amend, or repeal rules concerning state-wide thermal efficiency and lighting code. In 1979 the Legislature directed the State Building Code Advisory Council to develop a State Energy Code meeting minimum federal requirements and taking into account regional climatic conditions. The code is to go into effect June 30, 1980. Copies of the draft code are available from the Planning and Community Affairs Agency (PCAA), 400 Capitol Center Building, Olympia, WA 98504;

that such agency will at:

Tuesday, May 6, 1980 (1:30-4:00) Snohomish County Courthouse - Everett

1st Public Hearing on Proposed State Energy Code. Thursday, May 8, 1980 (1:30-4:00) Hallmark Inn - Moses Lake

2nd Public Hearing on Proposed State Energy Code. Friday, May 9, 1980 (9:30-12:30) Ramada Inn - Spokane (Airport)

3rd Public Hearing on Proposed State Energy Code, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Monday, May 12, 1980, in the Sea-Tac Airport Terminal Auditorium.

The authority under which these rules are proposed is RCW 19.27.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 5, 1980, and/or orally at public hearings shown above.

*Relative to WAC 51*

Dated: April 2, 1980

By: Dean Cole  
Director

**WSR 80-04-104**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Order 15, Resolution 72—Filed April 1, 1980]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the adoption of a new schedule of tolls for the Washington State Ferry System, amending WAC 468-300-005, 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-050.

This action is taken pursuant to Notice No. WSR 80-02-174 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.60.325 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.325.

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 March 18, 1980.

APPROVED AS TO FORM:

William Boland      By Julia Butler Hansen  
Assistant Attorney    Chairman  
General                Vaughn Hubbard  
                                 Vice Chairman

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.~~

~~— \$1.40 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:~~

<del>Vehicle Length</del>	<del>Fare</del>
<del>Under 25 ft.</del>	<del>\$10</del>
<del>25 ft. - 35 ft.</del>	<del>\$15</del>
<del>35 ft. - 45 ft.</del>	<del>\$20</del>
<del>45 ft. - 55 ft.</del>	<del>\$25</del>
<del>55 ft. - 65 ft.</del>	<del>\$30</del>
<del>65 ft. - 75 ft.</del>	<del>\$35</del>
<del>75 ft. - 85 ft.</del>	<del>\$40</del>
<del>Over 85 ft.</del>	<del>\$40 + \$.50/ft.</del>
	<del>for each ft.</del>
	<del>over 85 ft.</del>

~~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.))~~

(2) The rates for all ferry service across Hood Canal shall be the same as the Mukilteo-Clinton rate structure.

**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	PASSENGER		EXCURSION-ROUND TRIP***		
			COM-MU-TATION 20 Rides *****	SCHOOL COM-MU-TATION ***** 20 Rides	Full Fare	Half Fare**	
							Ages
			12-20	5-11			
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>(.95)</del> 1.20	<del>.50</del> .60	<del>11.40</del> 14.40	<del>9.50</del> 12.00	<del>4.75</del> 6.00	<del>1.35</del> 1.70	<del>.70)</del> .85
Edmonds-Kingston Pt. Townsend-Keystone							
Fauntleroy-Vashon Southworth-Vashon	<del>(1.25)</del> 1.50	<del>.65</del> .80	<del>7.50</del> 9.00	<del>6.25</del> 7.50	<del>3.15)</del> 3.75	N/A	N/A
Pt. Defiance-Tahlequah			*****				
Mukilteo-Clinton	<del>(.60)</del> .75	<del>.30</del> .40	<del>7.20</del> 9.00	<del>6.00</del> 7.50	<del>3.00</del> 3.75	<del>.85</del> 1.05	<del>.45)</del> .55
Anacortes to Lopez	<del>(1.15)</del> 1.45	<del>.60</del> .75	<del>13.80</del> 17.40	<del>11.50</del> 14.50	<del>5.75)</del> 7.25		
Shaw or Orcas	<del>(1.30)</del> 1.65	<del>.65</del> .85	<del>15.60</del> 19.80	<del>13.00</del> 16.50	<del>6.50)</del> 8.25	N/A	N/A
Friday Harbor	<del>(1.45)</del> 1.80	<del>.75</del> .90	<del>17.40</del> 21.60	<del>14.50</del> 18.00	<del>7.25)</del> 9.00		
Sidney	<del>(3.95)</del> 4.95	<del>2.00)</del> 2.50	N/A	N/A	N/A	<del>(4.50)</del> 5.65	<del>2.25)</del> 2.85
Friday Harbor to Lopez, Shaw or Orcas	<del>(.95)</del> 1.20	<del>.50</del> .60	<del>11.40</del> 14.40	<del>9.50</del> 12.00	<del>4.75)</del> 6.00	N/A	N/A
Between Lopez, Shaw, or Orcas	<del>(.60)</del> .75	<del>.30</del> .40	<del>7.20</del> 9.00	<del>6.00</del> 7.50	<del>3.00)</del> 3.75	N/A	N/A
Sidney to Lopez	<del>(2.85)</del> 3.55	<del>1.45)</del> 1.80					
Shaw or Orcas	<del>(2.65)</del> 3.30	<del>1.35)</del> 1.65	N/A	N/A	N/A	N/A	N/A
Friday Harbor	<del>(2.50)</del> 3.15	<del>1.25)</del> 1.60					

\*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.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.

AMENDATORY SECTION (Amending Order 11, Resolution 57, filed 9/5/79)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

	AUTO**		MOTORCYCLE			BICYCLE & RIDER			Excursion	
	INCL. DRIVER		INCL. DRIVER			Commutation			Round Trip***	
	One Way	20 Rides****	One Way	20 Rides****	Full Fare One Way	Half Fare One Way	20 Rides****	Full Fare	Half Fare	
Fauntleroy-Southworth										
Seattle-Bremerton										
Seattle-Winslow	<del>(3.20)</del>	<del>51.20</del>	<del>1.70</del>	<del>22.65</del>	<del>1.35</del>	<del>.90</del>	<del>13.50</del>	<del>2.15</del>	<del>1.45</del>	
	4.00	64.00	2.15	28.65	1.70	1.10	17.00	2.70	1.85	
Edmonds-Kingston										
Pt. Townsend-Keystone										
Fauntleroy-Vashon	<del>(4.30)</del>	<del>34.40</del>	<del>2.25</del>	<del>15.00</del>	<del>1.80</del>	<del>1.20</del>	<del>9.00</del>	N/A	N/A	
Southworth-Vashon	5.40	43.20	2.90	19.35	2.30	1.60	11.50			
Pt. Defiance-Tahlequah										
Mukilteo-Clinton	<del>(2.15)</del>	<del>34.40</del>	<del>1.15</del>	<del>15.35</del>	<del>.90</del>	<del>.60</del>	<del>9.00</del>	<del>1.45</del>	<del>1.05</del>	
	2.70	43.20	1.45	19.35	1.15	.80	11.50	1.85	1.35	
		10 Rides								
Anacortes to Lopez	<del>(3.50)</del>	<del>28.00</del>	<del>2.05</del>	<del>27.35</del>	<del>1.60</del>	<del>1.05</del>	<del>16.00</del>			
	4.40	35.20	2.55	34.00	2.00	1.30	20.00			
Shaw or Orcas	<del>(3.95)</del>	<del>31.60</del>	<del>2.35</del>	<del>31.35</del>	<del>1.80</del>	<del>1.15</del>	<del>18.00</del>	N/A	N/A	
	4.95	39.60	2.95	39.35	2.25	1.45	22.50			
Friday Harbor	<del>(4.50)</del>	<del>36.00</del>	<del>2.70</del>	<del>36.00</del>	<del>2.05</del>	<del>1.35</del>	<del>20.50</del>			
	5.65	45.20	3.40	45.35	2.55	1.65	25.50			
Sidney	<del>(16.95)</del>	N/A	<del>(8.50)</del>	N/A	<del>(5.55)</del>	<del>3.60</del>	N/A	<del>(7.70)</del>	<del>5.45</del>	
	21.20		10.65		6.95	4.50		9.65	6.85	
Friday Harbor to Lopez, Shaw or Orcas	<del>(2.85)</del>	<del>22.80</del>	<del>1.70</del>	<del>22.65</del>	<del>1.35</del>	<del>.90</del>	<del>13.50</del>	N/A	N/A	
	3.55	28.40	2.15	28.65	1.70	1.10	17.00			
Between Lopez, Shaw, or Orcas	<del>(1.90)</del>	<del>15.20</del>	<del>1.15</del>	<del>15.35</del>	<del>.90</del>	<del>.60</del>	<del>9.00</del>	N/A	N/A	
	2.40	19.20	1.45	19.35	1.15	.80	11.50			
Sidney to Lopez	<del>(13.45)</del>		<del>(6.45)</del>		<del>(3.95)</del>	<del>2.55</del>				
	16.80		8.05		4.95	3.20				
Shaw or Orcas	<del>(13.00)</del>	N/A	<del>(6.10)</del>	N/A	<del>(3.75)</del>	<del>2.45</del>	N/A	N/A	N/A	
	16.25		7.65		4.70	3.05				
Friday Harbor	<del>(12.45)</del>		<del>(5.75)</del>		<del>(3.50)</del>	<del>2.25</del>				
	15.55		7.20		4.40	2.85				

\*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.

\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds.

**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)) 50.00 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	EXPRESS
	One Way	Commutation 20 Rides	One Way	Each**** Passenger	NEWSPAPERS Per 100 Lbs.	SHIPMENTS Per 100 Lbs.
Fauntleroy-Southworth	} 5.10	} 81.60	} 7.05	} .50	} (1) \$1.25	} (2) \$10.15
Seattle-Bremerton						
Seattle-Winslow						
Edmonds-Kingston						
Pt. Townsend-Keystone						
Fauntleroy-Vashon	} 6.80	} 54.40	} 9.05	} .65	} (Shipments exceeding 60,000 lbs. in any month shall be assessed 60¢ per 100 lbs.)	} (Shipments exceeding 100 lbs. assessed \$2.55 for each 25 lbs. or fraction thereof.)
Southworth-Vashon						
Pt. Defiance-Fahlequah						
Mukilteo-Clinton	3.40	54.40	4.50	.30		
Anacortes to Lopez		10 Rides		.60		
Shaw or Orcas	7.05	56.40	9.60	.65		
Friday Harbor				.75		
Sidney	23.15	N/A	31.65	2.00		
Friday Harbor to Lopez, Shaw or Orcas	5.10	40.80	7.05	.50		} Inter-Island Express shipments will be handled @ \$1.25 per 100 lbs.
Between Lopez, Shaw or Orcas	3.40	27.20	4.50	.30		
Sidney to Lopez				1.45		
Shaw or Orcas	16.10	N/A	22.05	1.35		
Friday Harbor				1.25 )))		

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each**** Passenger
Fauntleroy-Southworth ) Seattle-Bremerton ) --- Seattle-Winslow )	6.40	102.40	8.80	140.80	8.80	.60
Edmonds-Kingston ) Pt. Townsend-Keystone )						
Fauntleroy-Vashon ) Southworth-Vashon ) ---	8.50	68.00	11.30	180.80	11.30	.80
Pt. Defiance-Tahlequah ) *						
Mukilteo-Clinton ---	4.25	68.00	5.65	90.40	5.65	.40
Anacortes to Lopez, ) Shaw, Orcas or --- ) Friday Harbor ) Sidney --- )		10 Rides				
	8.80	70.40	12.00	96.00	12.00	.85
						.90
	28.95	N/A	39.55	N/A	39.55	2.50
Friday Harbor to ) Lopez, Shaw or Orcas --- )	6.40	51.20	8.80	70.40	8.80	.60
Between Lopez, Shaw or Orcas --- )	4.25	34.00	5.65	45.20	5.65	.40
Sidney to Lopez, ) Shaw, Orcas or ) --- Friday Harbor )						
	20.15	N/A	27.55	N/A	27.55	1.65
						1.60

(1) BULK NEWSPAPERS per 100 lbs. \$1.55  
(Shipments exceeding 60,000 lbs. in any month shall be assessed 75¢ per 100 lbs.)

(2) EXPRESS SHIPMENTS per 100 lbs. \$15.00  
(Shipments exceeding 100 lbs. assessed \$5.00 for each 25 lbs. or fraction thereof.)

San Juan Inter-Island express shipments will be handled @ \$2.00 per 100 lbs.

\*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.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time

the tickets shall not be accepted for passage or for refunds.

**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~~) 50.00 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	<del>((5.10</del>	<del>7.05</del>	<del>9.05</del>	<del>11.00</del>	<del>13.55</del>	<del>17.80</del>	<del>22.05</del>	<del>26.25</del>	<del>30.40</del>	<del>.50))</del>
Edmonds-Kingston Pt. Townsend-Keystone	<del>6.40</del>	<del>8.80</del>	<del>11.40</del>	<del>13.80</del>	<del>17.00</del>	<del>22.20</del>	<del>27.60</del>	<del>32.80</del>	<del>38.00</del>	<del>.60</del>
Fauntleroy-Vashon Southworth-Vashon	<del>((6.80</del>	<del>9.05</del>	<del>11.30</del>	<del>13.55</del>	<del>16.95</del>	<del>22.60</del>	<del>28.25</del>	<del>33.90</del>	<del>39.15</del>	<del>.60))</del>
Pt. Defiance-Tahlequah	<del>8.40</del>	<del>11.20</del>	<del>14.00</del>	<del>17.20</del>	<del>21.20</del>	<del>28.40</del>	<del>35.20</del>	<del>42.40</del>	<del>48.80</del>	<del>.80</del>
Mukilteo-Clinton	<del>((3.40</del>	<del>4.50</del>	<del>5.65</del>	<del>6.80</del>	<del>8.50</del>	<del>11.30</del>	<del>14.15</del>	<del>16.95</del>	<del>19.55</del>	<del>.35))</del>
**Anacortes to Lopez Shaw or Orcas	<del>((7.05</del>	<del>9.60</del>	<del>12.15</del>	<del>14.70</del>	<del>18.10</del>	<del>23.75</del>	<del>29.40</del>	<del>35.05</del>	<del>40.70</del>	<del>.70))</del>
Friday Harbor Sidney	<del>((23.15</del>	<del>31.65</del>	<del>40.10</del>	<del>48.60</del>	<del>58.75</del>	<del>77.95</del>	<del>97.20</del>	<del>116.40</del>	<del>121.75</del>	<del>2.15))</del>
**Friday Harbor to Lopez, Shaw or Orcas	<del>((5.10</del>	<del>7.05</del>	<del>9.05</del>	<del>11.00</del>	<del>13.55</del>	<del>17.80</del>	<del>22.05</del>	<del>26.25</del>	<del>30.40</del>	<del>.50))</del>
**Between Lopez, Shaw or Orcas	<del>((3.40</del>	<del>4.50</del>	<del>5.65</del>	<del>6.80</del>	<del>8.50</del>	<del>11.30</del>	<del>14.15</del>	<del>16.95</del>	<del>19.55</del>	<del>.35))</del>
**Sidney to Lopez Shaw or Orcas	<del>((16.10</del>	<del>22.05</del>	<del>28.25</del>	<del>33.90</del>	<del>40.70</del>	<del>54.25</del>	<del>67.80</del>	<del>81.35</del>	<del>84.85</del>	<del>1.45))</del>
Friday Harbor	<del>20.20</del>	<del>27.60</del>	<del>35.40</del>	<del>42.40</del>	<del>50.80</del>	<del>67.80</del>	<del>84.80</del>	<del>101.60</del>	<del>106.00</del>	<del>1.80</del>

\*These routes operate on one-way only toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of ~~((2.00))~~ \$2.50 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))~~ 50.00 penalty charge.

**DISCOUNT PERCENTAGES FROM REGULAR TOLL -**

~~((12 to 23, inclusive))~~ 12 or more, 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.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

**AMENDATORY SECTION** (Amending Order 11, Resolution 57, filed 9/5/79)

**WAC 468-300-050 TRAILER FERRY TOLLS.**

ROUTES	UNDER 10' One Way	10'-0" to Under 20' One Way	TRAILER 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	<del>((1.70</del> 2.15	<del>3.20</del> 4.00	<del>5.10</del> 6.40	<del>11.00</del> 13.75	<del>17.80</del> 22.25	<del>22.05))</del> 27.55
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	<del>((2.25</del> 2.90	<del>4.30</del> 5.40	<del>6.80</del> 8.50	<del>13.55</del> 17.00	<del>22.60</del> 28.30	<del>28.25))</del> 35.40
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	<del>((1.15</del> 1.45	<del>2.15</del> 2.70	<del>3.40</del> 4.25	<del>6.80</del> 8.50	<del>11.30</del> 14.15	<del>14.15))</del> 17.70
Anacortes to Lopez	<del>((2.05</del> 2.55	<del>3.50)</del> 4.40				
Shaw or Orcas	<del>((2.35</del> 2.95	<del>3.95</del> 4.95	<del>7.05</del> 8.80	<del>14.70</del> 18.40	<del>23.75</del> 29.70	<del>29.40))</del> 36.75
Friday Harbor	<del>((2.70</del> 3.40	<del>4.50)</del> 5.65				
Sidney	<del>((8.50</del> 10.65	<del>16.95</del> 21.20	<del>23.15</del> 28.95	<del>48.60</del> 60.75	<del>77.95</del> 97.45	<del>97.20))</del> 121.50
Friday Harbor to Lopez, Shaw or Orcas	<del>((1.70</del> 2.15	<del>2.85</del> 3.55	<del>5.10</del> 6.40	<del>11.00</del> 13.75	<del>17.80</del> 22.25	<del>22.05))</del> 27.55
Between Lopez, Shaw, or Orcas	<del>((1.15</del> 1.45	<del>1.90</del> 2.40	<del>3.40</del> 4.25	<del>6.80</del> 8.50	<del>11.30</del> 14.15	<del>14.15))</del> 17.70
Sidney to Lopez	<del>((6.45</del> 8.05	<del>13.45))</del> 16.80				
Shaw or Orcas	<del>((6.10</del> 7.65	<del>13.00</del> 16.25	<del>16.10</del> 20.15	<del>33.90</del> 42.40	<del>54.25</del> 67.80	<del>67.80))</del> 84.75
Friday Harbor	<del>((5.75</del> 7.20	<del>12.45))</del> 15.55				

\*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 80-04-105  
NOTICE OF PUBLIC MEETINGS  
URBAN ARTERIAL BOARD  
[Memorandum—April 1, 1980]**

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

1. Minutes of UAB meeting, January 17, 1980
2. Report of Chairman
  - a. Status Report on UAB Long Range Plan and 1980 Six Year Construction Program
  - b. Review Urban Arterial Rules
    - i) WAC 479-20-036, Increase in Urban Funds

- ii) WAC 479-16-010, Method of Construction
- iii) WAC 479-16-015, Registered Engineer

c. Review Urban Arterial Board Six Year Program and Expenditure Plan

3. Apportionment of Urban Arterial Trust Funds between statutorily established regions for the second quarter of 1980

4. Allocation of Urban Arterial Trust Funds to authorized projects for the second quarter 1980

5. Identification and consideration of UATF under-runs on authorized Urban Arterial projects

6. Review of estimated cash requirements against the Urban Arterial Trust Account for the period through December, 1980

7. Review delayed active projects and proposed new schedules

8. Review new projects for authorization of Urban Arterial Trust Funds

9. Report on completed audits of UAB projects

10. Report on changes in scope and deviation from design standards on approved UAB projects by the Chairman

11. Report on increases in Urban Arterial Trust funds for approved UAB projects by the Chairman

**WSR 80-04-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed April 1, 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 payment for foster care to relative, amending WAC 388-70-064.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Wednesday, May 14, 1980, in 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, May 21, 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 May 14, 1980, and/or orally at 2:00 p.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 1, 1980

By: N. S. Hammond  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 913, filed 3/1/74)

**WAC 388-70-064 PAYMENT FOR FOSTER CARE TO RELATIVE.** ((Foster care funds shall not be expended for a child living with a relative eligible to receive AFDC on behalf of the child. If a child not eligible for AFDC is placed in the home of a relative, his care is paid from state foster care funds. Homes of relatives eligible to receive AFDC need not be licensed, those paid from state foster care funds must be licensed.)) (1) State foster care funds shall not be expended for a child living with a relative eligible to receive AFDC on behalf of the child.

(2) Natural parents, adoptive parents, and stepparents are not eligible to receive foster care payments.

(3) Relatives providing care to children potentially eligible for both AFDC and AFDC Foster Care must be given the choice of applying for either program.

(4) Homes of relatives eligible to receive AFDC grants need not be licensed; those paid from foster care funds must be licensed or certified as meeting licensing requirements per WAC 388-73-020.

(5) Other than a child's parents, persons not subject to licensing are grandparents, brothers, sisters, stepbrothers, stepsisters, uncles, aunts and first cousins.

**WSR 80-04-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed April 1, 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 schedule of charges, amending WAC 275-16-030.

It is the intention of the secretary to adopt these rules on an emergency basis on April 1, 1980.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Wednesday, May 14, 1980, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 21, 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 72.01.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 2:00 p.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 1, 1980

By: N. S. Hammond  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1372, filed 2/21/79)

**WAC 275-16-030 SCHEDULE OF CHARGES.** Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) <b>INPATIENT SERVICES -</b> Per diem			
Hospital Costs	<del>(\$60.29)</del> \$74.23	<del>(\$116.36)</del> 136.71	<del>(\$64.81)</del> \$93.28
Physician Costs	<del>(2.40)</del> 3.24	<del>(1.55)</del> 6.43	<del>(2.86)</del> 4.31
Total	<del>(62.69)</del> 77.47	<del>(117.91)</del> 143.14	<del>(67.67)</del> 97.59
(b) <b>OUTPATIENT SERVICES -</b> Per diem			
Outpatient	—	<del>(\$93.75)</del> —	—
Day Care	—	<del>(29.11)</del> 34.17	—
(c) <b>ANCILLARY SERVICES -</b> Per Relative Value Unit / <sup>1</sup>			
<b>Radiology:</b>			
Technical Component	<del>(3.20)</del> 3.09	<del>(3.20)</del> 3.09	<del>(4.17)</del> 4.46
Professional Component	<del>(1.25)</del> 1.37	<del>(1.25)</del> 1.37	<del>(.68)</del> 1.19
Total Radiology	<del>(4.45)</del> 4.46	<del>(4.45)</del> 4.46	<del>(4.85)</del> 5.65
<b>Pathology:</b>			
Technical Component	<del>(.26)</del> .21	<del>(.26)</del> .21	<del>(.27)</del> —
Professional Component	<del>(1.10)</del> .11	<del>(1.10)</del> .11	<del>(.60)</del> —
Total Pathology	<del>(.36)</del> .31	<del>(.36)</del> .31	<del>(.27)</del> .47
Medical Clinics	1.19	1.19	<del>(.45)</del> 1.08
Electroencephalogram	<del>(2.38)</del> 2.73	<del>(2.38)</del> 2.73	<del>(1.57)</del> 5.04
Electrocardiogram	<del>(.36)</del> —	<del>(.36)</del> —	<del>(.22)</del> .35
Inhalation Therapy	—	—	<del>(.65)</del> 1.76
Physical Therapy	<del>(1.02)</del> 1.23	<del>(1.02)</del> 1.23	—
Occupational Therapy	—	—	<del>(28.35)</del> 22.59
Speech Therapy	—	—	<del>(2.16)</del> 1.74
Dental	<del>(51.21)</del> 65.04	<del>(51.21)</del> 65.04	<del>(11.50)</del> 19.64
Podiatry	<del>(—)</del> 1.17	<del>(—)</del> 1.17	<del>(.75)</del> 1.05
	<del>(1.02)</del>	<del>(1.02)</del>	<del>(1.02)</del>

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

<sup>1</sup>/California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**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 80-04-108  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)

[Order 1497—Filed April 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 schedule of charges, amending WAC 275-16-030.

I, N. Spencer Hammond, Ex. Asst., 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 will have a substantial fiscal impact on the mental health program.

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 72.01.090.

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 April 1, 1980.

By N. S. Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1372, filed 2/21/79)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) <b>INPATIENT SERVICES -</b> Per diem			
Hospital Costs	<del>(\$60.29)</del> \$74.23	<del>(\$116.36)</del> \$136.71	<del>(\$64.81)</del> \$93.28
Physician Costs	<del>(2.40)</del> 3.24	<del>(1.55)</del> 6.43	<del>(2.86)</del> 4.31
Total	<del>(62.69)</del> 77.47	<del>(117.91)</del> 143.14	<del>(67.67)</del> 97.59
(b) <b>OUTPATIENT SERVICES -</b> Per diem			
Outpatient	—	<del>(\$93.75)</del> —	—
Day Care	—	<del>(29.11)</del> 34.17	—

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
<b>(c) ANCILLARY SERVICES - Per Relative Value Unit <sup>1</sup></b>			
<b>Radiology:</b>			
Technical Component	<del>((3.20))</del> 3.09	<del>((3.20))</del> 3.09	<del>((4.17))</del> 4.46
Professional Component	<del>((1.25))</del> 1.37	<del>((1.25))</del> 1.37	<del>((.68))</del> 1.19
Total Radiology	<del>((4.45))</del> 4.46	<del>((4.45))</del> 4.46	<del>((4.85))</del> 5.65
<b>Pathology:</b>			
Technical Component	<del>((.26))</del> .21	<del>((.26))</del> .21	<del>((.27))</del> —
Professional Component	<del>((1.0))</del> .11	<del>((1.0))</del> .11	<del>((.68))</del> —
Total Pathology	<del>((.36))</del> .31	<del>((.36))</del> .31	<del>((.27))</del> .47
Medical Clinics	1.19	1.19	<del>((.45))</del> 1.08
Electroencephalogram	<del>((2.38))</del> 2.73	<del>((2.38))</del> 2.73	<del>((1.57))</del> 5.04
Electrocardiogram	<del>((.36))</del> —	<del>((.36))</del> —	<del>((.22))</del> .35
Inhalation Therapy	—	—	<del>((.65))</del> 1.76
Physical Therapy	<del>((1.02))</del> 1.23	<del>((1.02))</del> 1.23	—
Occupational Therapy	—	—	<del>((20.35))</del> 22.59
Speech Therapy	—	—	<del>((2.16))</del> 1.74
Dental	<del>((51.21))</del> 65.04	<del>((51.21))</del> 65.04	<del>((11.58))</del> 19.64
Podiatry	<del>((—))</del> 1.17	<del>((—))</del> 1.17	<del>((.75))</del> 1.05
	<del>((1.02))</del>	<del>((1.02))</del>	<del>((1.02))</del>

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

<sup>1</sup>/California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

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 80-04-109**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed April 2, 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 educational service district budget procedures;

that such agency will at 9:00 a.m., Tuesday, May 6, 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 1:30 p.m., Tuesday, May 13, 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.21.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1980, and/or orally at 9:00 a.m., Tuesday, May 6, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: April 2, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION (Amending Order 1-79, filed 6/7/79)**

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

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

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. Each salary shall be set out separately, together with the title or position, in a salary exhibit. The salary exhibit shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are professional and classified.

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

~~((5) In accordance with RCW 28A.21.090(7) and 28A.21.310, copies of all lease and rental agreements for real property and of all agreements extending beyond a fiscal year which an educational service district has entered into shall be attached to the budget document. PROVIDED, That all agreements regarding the acquisition or alienation of real property shall be submitted to the state board of education for prior approval.))~~

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

**WAC 392-125-040 OVEREXPENDING AND EXCEEDING THE BUDGET.** The budget as fixed and approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions. Expenditures are liabilities incurred for budgetary charges during the fiscal year whether paid or unpaid.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.



Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

#### NEW SECTION

**WAC 392-125-054 BUDGET TRANSFERS.** Transfers between budget classes may be made by the educational service district superintendent or finance officer, subject to such restrictions as may be imposed by the educational service district board of directors.

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

**WAC 392-125-055 BUDGET EXTENSIONS.** The procedure for increasing the appropriation level shall be patterned after the procedure that exists for second-class school districts.

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the ~~((facts and estimating))~~ specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

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

An educational service district board shall secure the signature of the chairman of the superintendent's advisory committee as an indication that the budget extension resolution and the revised budget document or budget extension forms have been reviewed by the committee.

Upon passage of the appropriation resolution the educational service district shall petition the superintendent of public instruction for approval to increase the amount of its appropriation, such petition to be made on forms provided by the superintendent of public instruction. Four copies of the request for budget extension shall be prepared and attached to each copy shall be: (1) A copy of the latest budget status report and (2) a copy of the board's appropriation resolution.

The appropriation resolution approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor.

#### WSR 80-04-110

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 2, 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 the repeal of chapter 392-133 WAC entitled Finance—School district purchasing procedures;

that such agency will at 9:00 a.m., Tuesday, May 6, 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 1:30 p.m., Tuesday, May 13, 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.58.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1980, and/or orally at 9:00 a.m., Tuesday, May 6, 1980, Old Capitol Building,

Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: April 2, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

The following sections of chapter 392-133 WAC entitled Finance—School District Purchasing Procedures are hereby repealed:

WAC 392-133-005	Purposes.
WAC 392-133-010	Definitions.
WAC 392-133-015	Solicitation of bids—when required.
WAC 392-133-020	Solicitation of bids by public notice—Procedure.
WAC 392-133-025	Submission of bids—Requirements.
WAC 392-133-030	Solicitation of bids by telephone—Limitations.
WAC 392-133-035	Telephone solicitation—Prequalification of bidders.
WAC 392-133-040	Telephone solicitation—Procedure.
WAC 392-133-045	Bids—Acceptance or rejection.
WAC 392-133-050	Competitive bids—Exceptions.

#### WSR 80-04-111

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 2, 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 school district budget and accounting procedures;

that such agency will at 9:00 a.m., Tuesday, May 6, 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 1:30 p.m., Tuesday, May 13, 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.65.465 and chapter 18, Laws of 1980.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1980, and/or orally at 9:00 a.m., Tuesday, May 6, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: April 2, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

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

**WAC 392-123-011 SCHOOL DISTRICT FISCAL YEAR.** ~~((There shall be a twelve month fiscal period of July 1st through June 30th for fiscal years 1975-76 and 1976-77 with a preliminary and final budget for both fiscal years.~~

~~For July and August 1977 there shall be a two month fiscal period with a budget for that period to be prepared by May 10, 1977.~~

~~For fiscal year 1977-78 there shall be a twelve month fiscal period beginning September 1, 1977 and ending on August 31, 1978 with one budget to be prepared by July 10, 1977.~~

For every fiscal year thereafter, a twelve month fiscal period)) The school district fiscal year shall begin on September 1 and end on August 31 ((with one budget to be prepared by July 10th)).

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

**WAC 392-123-051 BASIS OF BUDGETING AND ACCOUNTING** ((FOR FISCAL PERIODS AFTER THE FISCAL YEAR 1976-77)). This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting ((for fiscal periods)).

(1) The following terms when used herein shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(a) "Revenue" means additions of assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(b) "Accrual basis expenditures" mean costs during a given fiscal period for liabilities incurred, whether paid or unpaid.

(c) "Cash basis expenditures" mean actual disbursements during a given fiscal period for operating costs, capital outlay, and debt service, regardless of when liabilities are incurred, or the period of incurrence of cost.

(d) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(e) "Disbursements" mean payments in cash, including but not limited to payments by warrants.

(2) All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(a) Recognize revenue as defined above.

(b) Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED FURTHER, That in school districts with less than one thousand full time equivalent students using the cash basis for the recognition of expenditures shall prepare a list of accounts payable as of the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors.

(c) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund.

(d) For FY 1979-80 utilize the cash basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds and for FY 1980-81 and thereafter utilize the basis of material debt for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds based upon when bond interest and bond redemptions become due: PROVIDED, That school districts with an average of less than one thousand full-time equivalent students during the previous school year may utilize the cash basis for recognition of expenditures in determining the costs of bond fund interest and redemptions, refunding bonds and refunded bonds from the bond interest and redemption funds, refunding bond funds and refunded bond funds.

(e) For FY 1979-80 utilize the cash basis for the recognition of expenditure in determining costs for permanent insurance funds and for FY 1980-81 and thereafter utilize the accrual basis for the recognition of expenditures in determining costs for permanent insurance funds.

(f) Utilize the accrual basis of expenditure recognition for the associated student body program fund: PROVIDED, School districts with less than 1000 full-time equivalent students for the previous fiscal year may utilize the cash basis for recognition of expenditure in determining operating cost of the associated student body program fund.

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

**WAC 392-123-053 BUDGET** ((FOR FISCAL YEAR 1977-78 AND EVERY YEAR THEREAFTER)) **CONTENTS.** ((Beginning

with fiscal year 1977-78 and every year thereafter.)) Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted on forms provided by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with accounting manual for public school districts, published by the office of the superintendent of public instruction and the office of the state auditor. Budgets on forms other than those provided by the office of the superintendent of public instruction shall not be official and will have no legal effect.

All ((pertinent)) items on the budget form shall be completed correctly in accordance with instructions provided by the office of the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The revenue section of every school district budget shall set forth the estimated revenues for the ensuing fiscal year, the ((estimated)) budgeted revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated revenues from all sources for the ((ensuring [ensuing])) ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year: PROVIDED, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated disbursements in excess of the total of estimated revenue for the ensuing fiscal year plus estimated net cash balance and investments at the close of the current fiscal year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The expenditure section of the budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the ((estimated)) budgeted expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. ((Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if detailed schedule(s) of such salaries and positions are attached to the budget and made a part thereof.)) Salaries including salary rates, full-time equivalents (FTE), and hours where specified on budget forms must be budgeted for each position except that positions with the same title and salary rate may be grouped together provided they are budgeted in the same account classification. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ending net cash for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ending cash.

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

**WAC 392-123-054 TIME SCHEDULE FOR** ((FISCAL YEAR 1977-78)) **BUDGET** ((AND BUDGET FOR EVERY YEAR THEREAFTER)). The time schedule for preparation, adoption and filing of the ((fiscal year 1977-78)) budget ((and the budget for every year thereafter)) is as follows:

FINAL DATE FOR ACTION	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district	Same as first class.

FINAL DATE FIRST-CLASS  
FOR ACTION DISTRICTS

SECOND-CLASS  
DISTRICTS

FINAL DATE FIRST-CLASS  
FOR ACTION DISTRICTS

SECOND-CLASS  
DISTRICTS

administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

August 1

Final date for board directors to meet in public hearing and fix and adopt said budget.

Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st.

Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

August 3

Last date to forward five copies of said adopted budget to educational service district for review, alteration and approval.

August 10

Final date for educational service district to notify districts of review problems noted in review.

July 10 Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.

Same as first class.

August 31

Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.

July 15 Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

July 20 Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district.

Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

July 25

Final date for educational service district to notify districts of problems noted in review.

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the

**FINAL DATE FIRST-CLASS FOR ACTION DISTRICTS**

**SECOND-CLASS DISTRICTS**

<p>Septem-ber 3</p>	<p>Final date for district to file four copies of said adopted budget with their educational service district.</p>	<p>local board of directors or a representative thereof and a representative of the superintendent of public instruction.</p>
<p>Septem-ber 10</p>	<p>Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction, the office of the state auditor and the appropriate county auditor. One copy will be retained by educational service district.</p>	<p>Same as first class except one copy of adopted and approved budget must be returned to local school district by this date.</p>

the fiscal period being budgeted. A petition to include receivables collectible in future fiscal periods in a budget extension shall be submitted to the office of the superintendent of public instruction not later than fifteen calendar days preceding the scheduled date for adoption of the budget extension by the school district board of directors. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

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

**WAC 392-123-065 NONCOMPLIANCE WITH BINDING RESTRICTIONS.** If a local school district fails to comply with any binding restrictions issued by the office of the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

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

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

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

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

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

All adopted appropriation resolutions adopted under this section shall be filed with the office of the superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor. The final date for adopting appropriation resolutions other than for any emergency as stated above shall be June 30 except that for FY 1979-80 the final date shall be August 31. The final date for adopting appropriation resolution for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution. The revised budget shall be on forms provided by the office of the superintendent of public instruction and shall be prepared in accordance with instructions provided by the office of the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void.

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

**WAC 392-123-072 BUDGET EXTENSIONS—SECOND CLASS SCHOOL DISTRICTS.** If a second class school district needs to increase the amount of the appropriation from any fund ((for any reason,)) the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the office of the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the ((facts and estimating)) specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and

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

**WAC 392-123-055 IDENTIFICATION OF REVENUES TO BE INCLUDED IN THE BUDGET.** Only revenues which can be reasonably anticipated to be received in cash in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the office of the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods ((as provided in section 11, chapter 118, Laws of 1975 2nd ex. sess. as now or hereafter amended)).

All available current information including instructions from the office of the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be received in cash in the fiscal period. A major emphasis shall be placed on the tax levy collection success in the time period immediately preceding the budget period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

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

**WAC 392-123-060 PETITION TO BUDGET RECEIVABLES COLLECTIBLE IN FUTURE ((YEARS)) FISCAL PERIODS.** When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the ((ensuing)) fiscal period being budgeted plus the estimated net cash and investments, or actual net cash and investments in case of a budget extension, on hand at the ((close)) beginning of the ((current)) fiscal period being budgeted do not at least equal the estimated disbursements for the ((ensuing)) fiscal period being budgeted plus cash reserves by law or judicial action and the mandated cash reserve for transportation equipment at the close of the ((ensuing)) fiscal period being budgeted as required by RCW 28A.41.160 the school district board of directors shall petition ((in writing)) the office of the superintendent of public instruction for permission to include receivables collectible in future ((period's)) periods beyond the fiscal period being budgeted in order to balance the ((ensuing fiscal period's)) budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such information as the office of the superintendent of public instruction or designee shall deem as necessary.

A petition to include receivables collectible in future fiscal periods in the budget shall be submitted to the office of the superintendent of public instruction not later than the tenth of July of the year preceding

passage shall require the vote of a majority of all members of the school district board of directors.

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

Upon passage of the appropriation resolution the school district shall petition the office of the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made on forms provided by the office of the superintendent of public instruction. Five copies of the request for budget extension shall be prepared in accordance with instructions provided by the office of the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent ((except that for fiscal year 1976-77 approval shall be made by the educational service district board of directors)).

If approved the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the office of the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day except that for fiscal year 1979-80 the final date for receiving budget extensions shall be August 29. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

All appropriation resolutions approved by the office of the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor.

**NEW SECTION**

**WAC 392-123-074 EFFECTIVE DATE OF APPROPRIATION RESOLUTIONS.** The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	12:01 a.m. September 1.	12:01 a.m. September 1 or when approved whichever is later.
Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.	When filed.	When approved.

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

**WAC 392-123-076 IDENTIFICATION OF BALANCED BUDGET ((FOR FISCAL PERIODS AFTER FISCAL YEAR 1976-77)).** For each fund contained in the school district budget the estimated disbursements for the ensuing fiscal period must not be greater than the total of the estimated revenues for the ensuing fiscal period, the probable net cash balance and investments at the close of the current fiscal period, and the projected revenue from receivables collectible in future periods as approved by the office of the superintendent of public instruction for inclusion in the budget.

The budget shall be considered a balanced budget if the above requirement is met: PROVIDED, That in the general fund, estimated revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than cash reserves mandated by law or judicial action the mandated cash reserve for transportation equipment as required by RCW 28A.41.160.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

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

**WAC 392-123-077 TERMINATION OF APPROPRIATIONS.** All appropriations shall lapse at the end of the fiscal period. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period. ((PROVIDED, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal period. PROVIDED FURTHER, That only in July of 1976 the appropriation accounts shall remain open for a period of twenty days following June 30, 1976 for the payment of claims incurred against them before the close of the 1975-76 fiscal year.))

**NEW SECTION**

**WAC 392-123-078 REVIEW OF FIRST CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS.** Budgets of first class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first class school districts of any problems noted during the review prior to adoption of the budget by the school district.

The review shall include data entry and edit of the school district budget in the manner prescribed by the office of the superintendent of public instruction.

Budgets and budget extensions adopted by first class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said review shall include but is not limited to completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the office of the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the office of the superintendent of public instruction. The office of the superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

**NEW SECTION**

**WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET INSTRUCTIONS.** Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the office of the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the office of the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the office of the superintendent of public instruction.

The office of superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the office of the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

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

**WAC 392-123-080 BUDGET DETERMINED TO BE UNSOUND AFTER SUPERINTENDENT'S REVIEW.** If the office of the superintendent of public instruction determines that the budget of any school district does not comply with this chapter and/or the provisions of state statutory law applicable to school districts budgets, written notice of such determination shall be provided to the board of directors of the district.

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

**WAC 392-123-085 MEETING TO REVIEW BUDGET AFTER DETERMINED UNSOUND—FINDINGS ISSUED.** If the budget of a school district is determined to be in noncompliance with this chapter and/or state statutory law, the office of the superintendent of public instruction shall convene a meeting to review the budget in question. The meeting shall consist of the educational service district superintendent, the board of directors of the school district, the chief administrative officer of the school district and a representative of the superintendent of public instruction. At the conclusion of this meeting, the office of the superintendent of public instruction shall issue findings and, if necessary, direct that a financially sound budget be developed by the school district.

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

**WAC 392-123-095 BUDGET AS NONCOMPLIANT AND UNSOUND.** ((Except for the fiscal year 1976-77 preliminary budget;)) A school district shall submit a revised budget within thirty days following the date the office of the superintendent of public instruction issues a written directive requiring the district to do so. The revised budget shall comply with state statutory law and this chapter. The revised budget shall incorporate such improvements as are necessitated by the superintendent's findings issued pursuant to WAC 392-123-085.

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

**WAC 392-123-100 REVISED BUDGET AS NOT SUBMITTED OR NONCOMPLIANT.** If a school district fails or refuses to submit a revised budget at the direction of the office of the superintendent of public instruction which complies with state statutory law and this chapter, the matter shall be submitted to the state board of education. Written notification of the superintendent's intention to submit the matter to the state board shall be made to the board of directors and administration of the school district and to the educational service district superintendent.

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

**WAC 392-123-105 STATE BOARD OF EDUCATION ACTION REGARDING MISSING OR NONCOMPLIANT BUDGET.** The state board of education shall be provided written notification of the office of the superintendent of public instruction's determination and shall meet to adopt a financial plan to operate the district. The plan adopted by the state board shall be in effect until a revised budget which complies with state statutory law and this chapter is adopted and submitted by the district.

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

**WAC 392-123-110 MONTHLY FINANCIAL STATEMENTS AND REPORTS PREPARED BY SCHOOL DISTRICT ADMINISTRATION.** Monthly financial statements and reports shall be prepared by the administration of each school district on a monthly basis as required by this chapter. The reports shall contain the most current information available at the time of preparation. The purpose of these financial reports shall be to provide the board of directors of the district with certain financial information necessary for the proper financial management of the district. All monthly reports shall be made

available by the administration of a district to each member of the board of directors of the district and to any person or organization upon request pursuant to the policies of the board of directors. A district shall provide the office of the superintendent of public instruction with any of the required reports upon request.

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

**WAC 392-123-115 MONTHLY BUDGET STATUS REPORT FOR GENERAL FUND OPERATIONS.** A monthly budget status report for the general fund shall be prepared by the administration of each school district; and a copy of the most current budget status report shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, ((Part H;)) is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited.

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

**WAC 392-123-125 PERSONNEL BUDGET STATUS REPORT.** Each school district shall maintain the capability to prepare a monthly personnel status report within fifteen days following the end of each month. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages (the largest budgetary item in the general fund). The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program and/or responsibility area. The number of positions actually filled and the amount of funds actually expended or encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be analyzed. The personnel budget status report shall be provided to the office of the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) **WAC 392-123-015 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGETS REQUIRED.**
- (2) **WAC 392-123-020 PETITION TO STIPULATE THAT FISCAL YEAR 1976-77 PRELIMINARY BUDGET SHALL BECOME FINAL BUDGET.**
- (3) **WAC 392-123-025 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGET FORMS PROVIDED BY THE SUPERINTENDENT.**
- (4) **WAC 392-123-030 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGET PREPARATION.**
- (5) **WAC 392-123-035 FISCAL YEAR 1976-77 BUDGET REQUIRED TO BE DEVELOPED ON ACCRUAL BASIS.**
- (6) **WAC 392-123-040 THE TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 PRELIMINARY BUDGET PROCESS—ADOPTION.**
- (7) **WAC 392-123-045 TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 PRELIMINARY BUDGET PROCESS—POST ADOPTION.**
- (8) **WAC 392-123-050 TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 FINAL BUDGET PROCESS.**
- (9) **WAC 392-123-051 JULY AND AUGUST 1977 BUDGET.**

- (10) WAC 392-123-052 TIME SCHEDULE FOR JULY AND AUGUST 1977 BUDGET PROCESS.
- (11) WAC 392-123-075 IDENTIFICATION OF A BALANCED BUDGET FOR FISCAL YEAR 1976-77.
- (12) WAC 392-123-090 PRELIMINARY BUDGET FOR FISCAL YEAR 1976-77 AS NONCOMPLIANT AND UNSOUND.

**WSR 80-04-112**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Filed April 2, 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:

- |     |                |  |
|-----|----------------|--|
| Rep | WAC 232-28-801 | 1979 Mountain Goat, and Moose Hunting Season.          |
| Rep | WAC 232-28-302 | 1979 Game Management Unit and Area Legal Descriptions. |
| Rep | WAC 232-28-202 | 1979 Hunting Seasons and Game Bag Limits.              |
| New | WAC 232-28-802 | 1980 Mountain Goat, Sheep and Moose Hunting Season.    |
| New | WAC 232-28-303 | 1980 Game Management Unit and Area Legal Descriptions. |
| New | WAC 232-28-203 | 1980 Hunting Seasons and Game Bag Limits;              |

that such agency will at 9:00 a.m., Monday and Tuesday, May 19-20, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday and Tuesday, May 19-20, 1980, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626.

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 May 19-20, 1980, and/or orally at 9:00 a.m., Monday and Tuesday, May 19-20, 1980, Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626.

Dated: April 2, 1980  
 By: Wallace F. Kramer  
 Chief

Wildlife Enforcement Division

NEW SECTION

WAC 232-28-802 1980 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON.

NEW SECTION

WAC 232-28-303 1980 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS.

NEW SECTION

WAC 232-28-203 1980 HUNTING SEASONS AND GAME BAG LIMITS.

**Reviser's Note:** The text comprising the 1980 Mountain Goat, Sheep and Moose Hunting Season, 1980 Game Management Unit and Area Legal Descriptions and the 1980 Hunting Seasons and Game

Bag Limits rules proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |   |
|----------------|---|
| WAC 232-28-801 | 1979 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON    |
| WAC 232-28-302 | 1979 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS |
| WAC 232-28-202 | 1979 HUNTING SEASONS AND GAME BAG LIMITS              |

**WSR 80-04-113**  
**ADOPTED RULES**  
**JAIL COMMISSION**  
 [Order 6—Filed April 2, 1980]

Be it resolved by the Washington State Jail Commission, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to additional jail construction funding procedures.

This action is taken pursuant to Notice No. WSR 80-02-161 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.48 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 March 27, 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.)) RE-IMBURSEMENT OF QUALIFYING APPLICANTS. Following its determination 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 commission orders governing implementation of 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 written notification by registered mail with return receipt requested to those governing units for which funds currently available will be encumbered and disbursed in accordance with other rules set forth in this chapter. Other applicants shall be notified in the same manner as to the status of their applications and their right to proceed under WAC 289-13-160.

#### NEW SECTION

**WAC 289-13-110 AUTHORIZATION TO PROCEED—TIME LIMITS.** (1) Schematic drawings. Issuance of the commission's decision to encumber funds for specific projects under WAC 289-13-100 shall constitute 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 or such longer period as shall be designated in the authorization, for good cause shown. At the time schematic drawings are submitted, the director shall be authorized to adjust the prior funding decisions by no greater than three 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 last previously authorized level of funding at this stage only within the three percent design contingency allowance 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 an 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 plans 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 plans 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) A statement from the governing unit as to the process employed for selecting its architect/engineer to insure compliance with WAC 289-13-070(2)(a).
- (4) 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) Description of steps taken to include participation of community and surrounding governing units in planning, in compliance with WAC 289-12-030(1)(a);
  - (e) 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);
  - (f) 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 plans 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(2): 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 plans and specifications and any part of such provisional reservation not required for this 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 commission.

#### 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 plans and specifications.

(a) The final plans 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 plans and specifications by the agencies set forth in (a) above prior to the call for bid. Any exceptions indicated by such agencies shall be corrected and so noted on the final plans 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.

#### NEW SECTION

**WAC 289-13-150 FINAL PLANS AND SPECIFICATIONS—FORM OF SUBMISSION.** (1) The governing unit shall submit one copy of the final plans 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 289-13-120.

(c) Signed statement by architect(s) of analysis of square foot area.

(d) Life cycle cost analysis.

(e) Such other documentation as shall be specified by the director in authorizing preparation of final plans and specifications.

(2) The governing unit shall obtain approval of final plans and specifications by the director 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 under chapter 70.48 RCW 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 funding of such project; (b) grant a preliminary provisional allotment of state funds and approval of final plans and specifications; and (c) authorize the governing unit to call for bids: PROVIDED, That if and when such an 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 commission approved project costs 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 CONTRACTOR AFFIRMATIVE ACTION PLAN. (1) Each person or firm submitting a bid for jail work shall include with such bid an affirmative action plan which shall include:

(a) Identification of women and minority group firms available to participate in the jail project and the women and minority group workforce available for employment by the contractor and subcontractors.

(b) The minimum participation by such firms and individuals which can reasonably be achieved in the particular project, which shall be, in the case of minority group members, no less than the proportion of minority group members in the governing unit's population and, in the case of women, no less than 15% of the total positions and subcontracts.

(c) A detailed plan for meeting these goals within the construction time-table set forth in the bid.

(2) Approval of such affirmative action plan by a subcommittee of the commission established for such purpose shall be a prerequisite to the director's authority to authorize awarding of a bid to such contractor under WAC 289-13-180.

(3) For purposes of this section, "minority group members" means: Ethnic persons residing in the United States, including American Indians, Asian Pacific Americans, Black Americans, Mexican Americans and Native Americans, but does not include nonethnic women. The term "women" includes both ethnic and nonethnic women.

#### NEW SECTION

WAC 289-13-180 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, county executive, or mayor.

(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.

(f) The affirmative action plan submitted with the bid in accordance with WAC 289-13-170.

(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 director.

(b) A contract, or contracts, for construction of a jail project provisionally approved by the commission for state financing pursuant to WAC 289-13-160 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 director.

Any such governing unit shall proceed in the same manner as any governing unit for whose project funds are currently available.

#### NEW SECTION

**WAC 289-13-190 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 director 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:

(1) Negotiation of jail building contracts. The director shall approve for financing only those contracts where the original contract price for the construction has been established by competitive bids and where the contract contains an acceptable affirmative action plan as required by WAC 289-13-170.

(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 and used for other approved projects.

(3) Award of contract or contracts.

(a) Upon receipt of authorization by the director, 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 289-13-200 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 289-13-210 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 no more frequently than once per month 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. Any such request for payment shall include the governing unit's certification of the contractor's compliance with the approved affirmative action plan required under WAC 289-13-170 and such supporting documentation as may be required by the director.

(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 289-13-220 CHANGE ORDERS.** (1) Any change order which will affect the governing unit's ability to complete an approved project within the funding allocation made therefor, or which alters the planned facility's full compliance with physical plant standards must be submitted to the director for approval.

(2) The director may approve any change order which will not result in an increase in funds expended for the project in question beyond the moneys allocated, including the full contingency allowance. Denial of any requested change order or one which exceeds such amount shall be submitted to the commission for action.

#### NEW SECTION

**WAC 289-13-230 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; 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 director 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 80-04-114

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning treated seed labeling requirements, WAC 16-318-040, 16-318-050, 16-318-060, 16-318-080 and 16-318-090;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, Conference Room, 2015 South 1st Street, Olympia, WA 98503, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m.,

Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. The information required in ~~((New))~~ Section 15.49.320 ~~((32))~~(1)(e) of the Washington State Seed Act, shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, or printed in a conspicuous manner on the side or top of each container.

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-050 MERCURIALS AND SIMILARLY TOXIC PESTICIDES. ~~((a))~~ For the purpose of this order, pesticides having a toxicity similar to mercurials shall include the following: Aldrin, Dieldrin, p-Dimethylaminobenzene-diazo-sodium-sulfonate (Dexon), Endrin, Ethion, Heptachlor, Diazinon (0-0-diethyl-0-(isopropyl-4-methyl-6-pyrimedy)), Demeton (0-0-diethyl-0-(and S)-2-(ethylthio)ethyl-phosphorothioate), Parathion, Phorate, and Toxaphene.

~~((b))~~ Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON", "Treated with POISON", "POISON Treated", or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall ~~((be))~~ not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the registered labeling on the pesticide being used and by the Federal Seed Act.

~~((c))~~ The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds.

**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 1124, filed 8/19/69)


WAC 16-318-060 OTHER PESTICIDES. Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes~~((:))~~" or other appropriate caution statement as required on the registered pesticide label of the seed treatment being used.

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-080 BULK SEED. The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to each bulk seed shipment.

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-090 EXAMPLES OF MINIMUM LABEL FORMATS. (a) Mercurial or similarly toxic pesticides:

Treated with  
~~((Ethyl-mercury-phosphate))~~ Endrin  
 POISON (in red) 

(b) Other pesticides:

Treated with  
 Captain  
 Caution: Treated seed - do not use for food, feed, or oil.

(c) Additional information may be shown, such as rate of application, antidote, specific purpose of treatment, etc., provided such information is not false or misleading.

**WSR 80-04-115  
 PROPOSED RULES  
 DEPARTMENT OF AGRICULTURE**

[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 22.09 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning general provisions for hourly fees for grain inspection, WAC 16-212-030, 16-212-050, 16-212-060, 16-212-001, 16-212-00101, 16-212-002, 16-212-003, 16-212-0031, 16-212-004 and 16-212-00401;

that such agency will at 2:00 p.m., Wednesday, May 7, 1980, in the General Administration Building, conference room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 7, 1980, and/or orally at 2:00 p.m., Wednesday, May 7, 1980, General Administration Building, conference room, Olympia, Washington.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

AMENDATORY SECTION (Amending Order 1490, 3/1/77)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES. (1) Straight Time, rate per hour (during regular working hours Monday - Friday) ..... \$16.00  
 This hourly rate may be applied Monday through Friday on any job where the fee is not sufficient to provide revenue of \$16.00 per hour~~((:))~~ per man. ~~((On those occasions where work begins before, or is required after regular working hours or Saturday, Sunday or holidays, the rate applied will be \$20.00 per hour.))~~

(2) Overtime, and night shift rate per hour: ~~((..... \$12.00))~~  
 Whenever overtime is required for the performance of any service for which the fee is charged on a tonnage, car, or sample basis or for the inspection of ships as to condition for cargo, this overtime rate will be charged in addition to the regular fee. Whenever overtime is required Saturdays, Sundays or holidays, or an employee is called from his home after regular working hours, a minimum of four (4) hours may be charged.

(a) Whenever overtime is required for the performance of any requested service, an overtime rate of \$12.00 per hour per man may be charged in addition to the regular fees (i.e. weighing, inspection, etc.).

(b) For shifts from 3:00 a.m. until 8:00 a.m., a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees.

(c) Whenever a service is requested before or after working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees. Whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four (4) hours shall be charged at the rate of \$12.00 per hour.

(d) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested later than 3:00 p.m. the day prior to the start of the requested shift, a fee of \$12.00 per hour per man shall be charged in addition to the regular fee.

(e) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested by 3:00 p.m. the day prior to the start of the requested shift, a fee of \$6.00 per hour per man may be charged in addition to the regular fee.

(f) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested the day prior to the start of the requested night shift and is not cancelled by 5:00 p.m. the day prior to the start of the requested night shift, and the service cannot be performed for that shift through no fault of the department, a fee of \$20.00 per hour per man shall be charged for a minimum of four (4) hours.

(g) At the Seattle, Tacoma, Longview, Kalama and Vancouver grain elevators, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of four months or longer, with only an occasional work stoppage, additional fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that fees will defray the department's cost (approximately \$16.00 per hour per man).

(3) Standby ((and/or Hourly Overtime;)) rate per hour \$20.00 Whenever a service is requested ((f))before or after working hours, Monday through Friday ((and)) or anytime on Saturdays, Sundays or holidays((?)), and service cannot be performed through no fault of the department, ((or the fee is not sufficient to provide revenue of \$20.00, the)) a Standby ((and/or Hourly Overtime)) rate of \$20.00 per hour shall be ((applied)) charged. Before or after regular working hours, Monday through Friday, a minimum ((charge will be)) of two (2) hours will be charged and, anytime((:)) on Saturdays, Sundays or holidays a minimum ((charge will be)) of four (4) hours will be charged.

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 1490, 3/1/77)

WAC 16-212-050 CERTIFICATES. (1) Copies of Certificates, Export, after original issuance, each run ..... \$ 2.00 (The above shall apply to "Divided Original Export Certificate". Each numbered set of certificates shall constitute a "run"). Extra copies of inspection, protein or weight certificates..... \$ 1.00 per copy.

AMENDATORY SECTION (Amending Order 1490, 3/1/77)

WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES. (1) Combination Inspection and Weighing Fees. Ships, barges and transfers of bulk grain.

- (a) From vessel to elevator ..... per ton ..... ((\$-0+2)) \$ 0.11
(b) Bin transfers ..... per ton ..... ((\$-0+2)) \$ 0.11
(c) From elevator to vessel ..... per ton ..... ((\$-0+2)) \$ 0.11 (Inspection - \$0.06 per ton) (Weighing - ((\$0.06)) \$ 0.05 per ton)
(2) Inspection (only). (Sample, Inspect, Grade and Certificate).
(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections ..... \$ 8.00
(b) Covered hopper-type cars which are sampled by USDA approved mechanical belt, spout, or leg-type samplers at plants ..... \$10.00
(c) Covered hopper-type cars sampled by other methods than by (b) above for original and all subsequent original inspections ..... \$15.00
(d) Additional factors requested (that ((does)) do not affect the grade) ..... \$ 2.00
(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample ..... \$ 6.00 (In case of a material error in grade, a corrected certificate will be issued without a fee.)
(f) If new sample is requested ..... (refer to above inspection only fee).
(3) Weigh (only)

- (a) From railroad boxcars, covered hopper-type cars, or vessels to elevator ..... per ton (grain only) ..... ((\$-0.09)) \$ 0.08
(b) From elevator to railroad boxcars, covered hopper-type cars or vessels ..... per ton (grain only) ..... ((\$-0.09)) \$ 0.08
(c) Bin transfers ..... per ton (grain only) ..... ((\$-0.09)) \$ 0.08
(d) Weighing only (other than grain) ..... ((\$-0+2)) \$ 0.11
(e) Weigh (grain by-products into maximum 30 ton portable containers, fitness inspection of container, weigh by-product and sample) ..... per container ..... \$ 8.00
(4) Submitted samples, inspections, or factor information only ..... file review ..... \$ 4.00 (Example of factor information only — where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)
(5) Inspection of Ships as to Condition
(a) Per hold and/or tank ..... \$20.00
(b) Minimum charge ..... \$100.00
(c) Ships holds and/or tank condition inspections will be made on ships at anchor in midstream when requested.
(i) A minimum of two hours of regular time at \$16.00 per hour (one man) for general cargo vessels and a minimum of four hours of regular time at \$16.00 per hour (two men) will be charged for tankers in addition to the established fee.
(ii) These inspections can only be made at the convenience of the office during daylight hours, under safe working conditions, and when weather conditions permit.
(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.
(iv) A ship's officer or company agent shall accompany the grain inspector/s.
(6) Trucks
(a) Inspect only ..... per truck ..... \$ 5.00
(b) Weight only ..... per truck ..... \$ 3.00

REPEALER

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

- WAC 16-212-001 PROMULGATION.
WAC 16-212-00101 PROMULGATION.
WAC 16-212-002 PROMULGATION.
WAC 16-212-003 PROMULGATION.
WAC 16-212-0031 PROMULGATION.
WAC 16-212-004 PROMULGATION.
WAC 16-212-00401 PROMULGATION.

WSR 80-04-116
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning forest reproductive material certification standards, WAC 16-319-020, 16-319-030, 16-319-041, 16-319-051 and 16-319-061;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.



Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980

By: Art G. Losey

Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1625, filed 4/30/79)

**WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS.** (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source or origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and processing standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated ((seed)) breeding zone(s) ((and)) or from within stated 500-foot elevation increment(s) in stated seed zone(s) that is ((and)) collected or processed at one time. Batches may be combined subsequently with other batches into a lot. Batches shall be identified distinctively as they are processed by number and/or code or as specified on the Certificate of Genetic Identity.

(d) Buyer means person who first receives reproductive material from the collector.

(e) Certificate of Genetic Identity means a document describing the ancestry and breeding behavior of a lot of reproductive material.

(f) Certificate of Origin means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in paragraph (1).

(h) Certifying Agency means the duly designated state agent: In Oregon State, the Oregon Seed Certification Service, Cooperative Extension Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331. In Washington State, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(j) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(k) Collector means a person who collects forest reproductive material at its source.

(l) Elevation means altitude above sea level and is coded in 500-foot increments as follows:

0 - 500 feet - Code 05	2501 - 3000 feet - Code 30
501 - 1000 feet - Code 10	3001 - 3500 feet - Code 35
1001 - 1500 feet - Code 15	3501 - 4000 feet - Code 40
1501 - 2000 feet - Code 20	4001 - 4500 feet - Code 45
2001 - 2500 feet - Code 25	4501 - 5000 feet - Code 50
	and so forth.

(m) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(n) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(o) Genetic identity means the ancestry and breeding background of the forest reproductive material.

(p) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(q) Location means description by seed zone or portion thereof and elevation.

(r) Lot means a homogeneous quantity of forest reproduction material.

(i) For Tested and Selected classes, it is of a single species or cultivar collected during one crop season from the distinctively described population of trees as specified on the Certificate of Genetic Identity.

(ii) For Source Identified class, it is a single species collected during one crop season from within state seed zone(s) and from within 500-foot elevation increment(s).

(iii) For Audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within 500-foot elevation increment(s).

(iv) Lots shall be identified by number and/or code.

(s) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(t) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with processing standards.

(u) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(v) Provenance means the original geographic source of seed, pollen or propagules.

(w) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(x) Seed zone means a geographic area delineated on Western Forest Tree Seed Council's Tree Seed Zone Map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(y) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(z) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions than exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents.

(aa) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

**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. 1506, filed 4/11/77)

**WAC 16-319-030 CLASSES OF REPRODUCTIVE MATERIAL.** (1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions ((as described in the Certificate of Genetic Identity)). Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "Tested". Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s) as described in the Certificate of Genetic Identity. Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "Selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected Subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from Selected Subclass A or better reproductive material.

(b) Selected Subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from Selected Subclass B or better reproductive material.

(3) Source Identified Class means that the reproductive material came from within a seed zone(s) or portion thereof and from within a 500-foot elevation increment(s). Two subclasses are recognized:

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "Source Identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A Source Identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from Subclass A Source Identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities.

(b) Subclass B Source Identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) or portion thereof and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from Subclass B Source Identified or better reproductive material.

(4) Audit Class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from Audit Class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "Audit Certificate". All records of the applicant for this class of reproductive material are subject to audit.

#### AMENDATORY SECTION (Amending Order No. 1625, filed 4/30/79)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

((a)) All reproductive material acquired or distributed by applicant of a type for which certification services are requested is subject to audit.

((b)) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

((c)) Applicant shall be responsible for payment of fees for certification services.

((d)) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

((e)) Certifying agency reserves the right to refuse certification service to applicant.

((f)) Application for audit certificate reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) The application, with a copy of the Certificate of Genetic Identity form for Tested and Selected classes, for current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of reproductive material. Payment for requested services is prescribed below:

(3) Schedule of fees. Fees may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: PROVIDED, That increases shall not exceed twenty-five percent of the following schedules:

(a) Service for certification of Tested and Selected classes, including review of test plans, audit of pertinent records and field inspection,

shall be charged for at the rate of \$15.00 per man-hour job time payable as services are performed. This fee shall apply whether or not approved for such.

(b) The fee for Source Identified classes of tree seed is sixty cents (\$.60) per bushel of cones collected for each lot containing 60 bushels or more collected in one crop year of a single species from a single zone or portion thereof and from a single elevation increment.

(i) The fee for each lot as defined above containing less than 60 bushels of cones shall be a maximum of \$36.00: PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(ii) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is completed. The full \$0.60 per bushel fee shall apply to all bushels presented for source identified certification whether or not approved for such.

(iii) Source identified certification services for other types of reproductive material shall be at the rate of \$15.00 per man-hour job time payable as services are performed. These fees shall apply for source identified certification whether or not approved for such.

(c) The fee for Audit Class reproductive material is: \$15.00 per man-hour job time for audit payable as services are performed. This fee shall apply for audit class whether or not offered material qualifies.

(d) The fee for audit of reproductive material not entered for certification service is payable as services are performed at the rate of \$15.00 per man-hour job time required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material for which applicant has requested certification service.

(e) Other services requested by applicant, i.e., education to comply with these standards, advising on the development of record keeping system directly connected with certification needs, etc., may be provided at the rate of \$15.00 per man-hour job time payable as services are performed.

**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. 1506, filed 4/11/77)

WAC 16-319-051 FIELD STANDARDS. (1) Tested and Selected Classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

(a) Selection, location, and origin of the parent trees.

(b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.

(c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.

(d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records used in the field. Certifying agency shall record and identify each lot of reproductive material produced in the field for use in tree improvement program(s) unless the applicant has provided an accurate and safe method of accountability from the field through processing and use.

(2) Source Identified Reproductive Material. Applicant shall develop and make ~~((correct))~~ correct use of collector and buyer labels, collector registration, and transportation logs, and for nursery stock, labels and records identifying the stock as originating from Source Identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or portions thereof and 500-foot elevation increment or specified elevation increment(s) for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from Source Identified Subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of Subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration log prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer log on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation log showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from Source Identified Subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent execution of these standards by certifying agency and applicant.

(3) Audit Class Reproductive Material.

(a) Buyer shall require collector to sign collector's registration log and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer log on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation log showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from Audit Class or better reproductive material.

**AMENDATORY SECTION** (Amending Order No. 1506, filed 4/11/77)

**WAC 16-319-061 PROCESSING STANDARDS.** (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to processing shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The Auditor is not authorized to make changes in the certification class of forest reproductive material offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is processed. During processing, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before processing another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed 0.5% by weight; trees, cuttings, scions, etc. 1% by number; pollen 1% by number.

(5) Labeling and sealing of Tested, Selected, or Source Identified reproductive material shall be done by the certifying agency.

(a) Labeling of Audit Class reproductive material will be done by the applicant with the label being affixed to the container: PROVIDED, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of Tested or Selected reproductive material, a Certificate of Genetic Identity shall be prepared and affirmed by the producer and, if verified, must be signed and sealed by the certifying agency before labels and seals are affixed to containers. Certificate shall include the following information:

(a) For both Tested and Selected reproductive material, the lot number or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not; if controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For Tested Reproductive Material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and WAC 16-319-061(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be ~~((tse))~~ used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test must be recorded in detail.

(iv) Trees to be planted for tests must be grown together in soil as uniform as possible, or, if they are grown in different soils, must be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check must be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test must be clearly reported if they are significantly inferior at the 95% confidence level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of Tested, Selected, Source Identified, and Audit Class reproductive material. Such document may be a Certificate of Origin for Tested, Selected, or Source Identified reproductive material, or an invoice, shipping order, or sales slip for Audit Class reproductive material. The certifying agency may authorize use of said Certificate of Origin for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical. No items of reproductive material ineligible for any class of certification shall be included on any Certificate of Origin.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent (7%) if of contiguous seed zones, elevation increments, or codes or if in excess of two percent (2%) of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

WSR 80-04-117
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning sod certification, WAC 16-321-001, 16-321-010, 16-321-020, 16-321-030, 16-321-040, 16-321-050, 16-321-060, 16-321-070, 16-321-090, 16-321-100, 16-321-110 and 16-321-120;

that such agency will at 1:30 p.m. Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980
By: Art G. Losey
Assistant Director

Chapter 16-321 WAC

GRASS SOD - CERTIFICATION STANDARDS

Table with 2 columns: WAC and Purpose. Rows include 16-321-001 Purpose, 16-321-010 Grass Sod Certification Standards, 16-321-020 By Whom Certified, 16-321-030 Varieties Eligible, 16-321-040 Application for Sod Certification, 16-321-050 Certification Fees, 16-321-060 Land Requirements, 16-321-070 Eligibility of Seed Stock, 16-321-080 Field Standards, 16-321-090 Specific Requirements, 16-321-100 Inspection, 16-321-110 Labeling, 16-321-120 Responsibility and Obligations.

NEW SECTION

WAC 16-321-001 PURPOSE. The purpose of sod certification is to maintain and make available to the public high quality sod of turfgrasses so grown and distributed as to insure genetic identity and purity and high degree of freedom from weeds, injurious insects, diseases and other pests.

NEW SECTION

WAC 16-321-010 GRASS SOD CERTIFICATION STANDARDS. The General Seed Certification Standards and Grass Seed Certification Standards are basic and together with the Sod Quality Certified Seed Standards and the following specific regulations shall constitute the standards for Grass Sod Certification in Washington state.

NEW SECTION

WAC 16-321-020 BY WHOM CERTIFIED. Grass sod certification the State of Washington shall be conducted by Washington State Department of Agriculture in cooperation with the Institute of

Agri Sciences, Washington State University and Association of Official Seed Certification agencies.

NEW SECTION

WAC 16-321-030 VARIETIES ELIGIBLE. Only those species and varieties tagged sod quality certified seed by an official certification agency shall be eligible for sod certification.

NEW SECTION

WAC 16-321-040 APPLICATION FOR SOD CERTIFICATION. Application for sod certification together with payment of fees and verification of seed stock must be submitted to the Washington State Department of Agriculture, Seed Branch, Yakima, Washington, 30 days prior to field preparation to allow time for preplant inspection.

NEW SECTION

WAC 16-321-050 CERTIFICATION FEES.

Table with 2 columns: Description and Amount. Rows include Application fee \$10.00, Preplant inspection \$ 2.00/acre, Sodfield inspection \$10.00/acre (including certification sod labels).

Application due dates: January 1 for spring planting; June 1 for fall planting.

NEW SECTION

WAC 16-321-060 LAND REQUIREMENTS. (1) The land on which certified sod is to be established must have been in the production of cultivated crops or clean fallow for at least two growing seasons preceding the seeding of the turfgrass for sod certification, unless the previous crop was of the same variety or varieties grown for certified sod or seed or unless the soil was satisfactorily treated with a recommended soil fumigant or herbicide program.

(2) No manure or other potentially contamination material shall be applied on sod fields entered for certification.

(3) Field must meet standards set forth by sections (1) and (2) of WAC 16-321-090.

NEW SECTION

WAC 16-321-070 ELIGIBILITY OF SEED STOCK. (1) All seed stock being planted for certified sod must meet Washington state sod quality seed standards, have an official sod quality certificate analysis from state of origin and be tagged "sod quality" by an official agency.

(2) Sod quality seed mixtures must be approved by the certifying agency.

(3) Documentary evidence, such as sod quality certificate analysis, tag and purchase record, must be submitted to certifying agency with application to establish planting stock eligibility.

(4) Sample of seed stock as prepared for planting shall be submitted to the certifying agency for reference file.

NEW SECTION

WAC 16-321-080 FIELD STANDARDS. (1) Isolation: A field to be eligible for certification of sod must be isolated by a five foot border or a barrier that will prevent encroachment of mechanical mixing during harvesting.

(2) Units of Certification: A field or marked block within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion of field meeting certification requirements may be certified provided it is adequately defined or outlined. (Such as bordering with chemical treatment.)

(3) Management: A sod field for lifting shall show evidence of good management.

(4) Quality of product: The sod shall be of uniform density, color and texture.

NEW SECTION

WAC 16-321-090 SPECIFIC REQUIREMENTS. (1) Tolerances for plants of other crops (per 1000 square feet):

FACTORS: MAXIMUM:

Other turfgrass species not included in planting stock	3 plants per 1000 square feet
Other crop plants	0 plants per 1000 square feet
Noxious weeds	0 plants per 1000 square feet
Objectional weeds	3 plants per 1000 square feet

## (2) Tolerance for plants other than crop:

(a) Unacceptable plants - none allowed. "Unacceptable plants" shall include prohibited and restricted noxious weeds in accordance with the provisions of the Washington State Seed Act and other weeds difficult to control selectively through cultural or chemical methods, such as, nutgrass (*Cyperus esculentus*), goosegrass (*Eleusine indica*), annual bluegrass (*Poa annua*), and any variety or species of weedy perennial grass.

(b) Objectional plants - maximum three plants per 1000 square feet. "Objectional plants" shall include the following: Crabgrass (*Digitaria* spp.), dandelion (*Taraxacum officinale*), wood sorrel (*Oxalis sutorpaca*), ground ivy (*Glechoma hederacea*), yarrow (*Achillea millefolium*), annual chickweed (*Stellaria media*), mouse-ear chickweed (*Cerastium vulgatum*), field chickweed (*Cerastium arvense*), speedwell (*Veronica* spp.), knotweed (*Polygonum aviculare*), purslane (*Portulaca oleracea*), heal-all (*Prunella vulgaris*), knawel (*Scleranthus annuus*), black medic (*Medicago lupulina*), white clover (*Trifolium repens* L.), and any other broadleaf or grassy weed which may detract from sod quality.

(3) Pest and Diseases: Every field within the certification program shall be maintained reasonably free of pest and diseases.

(4) Mixtures shall contain a minimum of 10 percent by weight of any variety.

**NEW SECTION**

**WAC 16-321-100 INSPECTION.** (1) A preplanting inspection shall be made prior to field preparation of fields to be planted for sod to determine if land requirements have been met. A written report shall show the grower's name, number of acres, location, crop history for past six years, weed and crop present, and variety or varieties to be planted.

(2) At least two field inspections will be made. The first after establishment, the second prior to lifting. If field is harvested prior to lift inspection, that crop will not be eligible for certification. Rejection of sod from certification may be made anytime sod quality is below standard.

(3) After fields have met the requirements for certification, inspection may be made at intervals required to maintain certification eligibility.

(4) Field conditions which make it difficult to perform satisfactory field inspections may be cause for rejection of sod from certification.

**NEW SECTION**

**WAC 16-321-110 LABELING.** All sod when sold as certified shall have an official sod certification label properly affixed to invoice.

**NEW SECTION**

**WAC 16-321-120 RESPONSIBILITY AND OBLIGATIONS.** Responsibility for any obligations arising from the sale or shipment of sod which has been certified, rests with the grower or subsequent handler making the sale or shipment.

**WSR 80-04-118****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 22.09 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning combining certain warehouses into stations, WAC 16-224-010;

that such agency will at 9:00 a.m., Friday, May 9, 1980, in the Department of Agriculture, North 617

Fancher Road, Spokane, WA 99206, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1980, and/or orally at 9:00 a.m., Friday, May 9, 1980, Department of Agriculture, North 617 Fancher Road, Spokane, WA 99206.

Dated: April 2, 1980

By: Art G. Losey  
Assistant Director**AMENDATORY SECTION** (Amending Order No. 1574, filed May 31, 1978)

**WAC 16-224-010 COMBINING CERTAIN WAREHOUSES INTO STATIONS.** The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining Mabton, Prosser, and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

(3) Auvil-Warner Company, Inc., is combining Belmont, Oakesdale, and Warner Siding into one station - Belmont 245.

(4) Berger & Plate of Washington is combining Tekoa, Tilma, ((Farmington;)) Seltice, and Garfield into one station - Tekoa 471.

(5) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, and Brewster into one station - Waterville 852.

(6) Cheney Grain Growers, Inc. is combining Cheney and Rodna into one station - Cheney 330.

(7) Columbia Bean & Produce Co., Inc., is combining Wheeler Block 89, Royal Slope, ((and)) Homestead, Quincy, and Bruce into one station - Wheeler 282.

(8) Columbia Producers, Inc., is combining Warden and Royal City into one station - Warden 19.

(9) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, and Hunters into one station - Davenport 289.

(10) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

(11) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

(12) Fairfield Grain Growers, Inc., is combining Fairfield and Waverly into one station - Fairfield 525.

(13) Fuhrman's Feed & Farm Supply Co., is combining Kettle Falls, ((and)) Colville, and Chewelah into one station - Kettle Falls 46.

(14) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, Royal City ((and Basin City)) into one station - Wheeler 887.

(15) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Sokulk into one station - Garfield 24.

(16) Inland Empire Milling Company is combining Pine City St. John, and Pleasant Valley into one station - St. John 706.

(17) Inland Empire Pea Growers Assoc., Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.

(18) LaCrosse Grain Growers, Inc., is combining LaCrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - LaCrosse 131.

(20) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.

(21) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.

~~((21))~~(22) Odessa Trading Company is combining Odessa, Nemo, Ruff, ~~((Laming))~~ Batum, Moody, and Schmierer into one station - Odessa 342.

~~((22))~~(23) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, ~~((and))~~ Packard, ~~((into one station - Odessa 305))~~ Harrington, Mohler, ~~((and))~~ Downs, ~~((into one station - Harrington 6; and))~~ Davenport, Egypt, and Rocklyn into one station - ~~((Davenport 872))~~ Odessa 305.

~~((23))~~(24) Pendleton Grain Growers, Inc., is combining Prosser, ~~((and))~~ Whitstran, Wycoff Farms, and Paul Hill Farm into one station - Prosser 648.

~~((24))~~ Roy Peringer Seed Co. is combining Belmont and Pullman into one station - Belmont 1.

~~((25))~~ Pioneer Elevators, Inc. is combining Chewelah, and Colville into one station - Chewelah 675.)

~~((26))~~(25) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Houser, Dodge, and Central Ferry into one station - Pomeroy 400.

(26) Pomeroy Warehouse & Feed Co., is combining Pomeroy and Gould City into one station - Pomeroy 853.

(27) Quincy Farm Chemicals, Inc., is combining Quincy and Murphy's Corner into one station - Quincy 29.

(28) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola into one station - Reardan 455.

(29) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, and Meier into one station - Ritzville 295.

(30) Rockford Grain Growers, Inc., is combining Mead, Rockford, Valleyford, Freeman, and Mt. Hope into one station - Rockford 196.

(31) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, and Pine City into one station - Rosalia 415.

(32) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St John 534.

(33) Spokane Seed Company is combining Spokane, Colfax, ~~((and))~~ Plaza, and Worley into one station - Spokane 452.

(34) Sunnyside Grain Co., is combining Sunnyside and Mabton into one station - Sunnyside 2.

~~((34))~~(35) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, and Bauer into one station - Lind 474.

~~((35))~~(36) Uniontown Co-operative Association is combining Uniontown and Leon into one station - Uniontown 430.

~~((36))~~(37) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan and Creston into one station - Harrington 807.

~~((37))~~(38) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, Whitman, Gardena, Clyde, Eureka, Pleasant View, Sheffer, Smith Springs, Rulo, Dry Creek, Ennis, and Paddock into one station - Walla Walla 462.

~~((38))~~(39) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

~~((39))~~(40) Western Farmers Association is combining Othello, Eltopia, Central Ferry, Wallula, Venner, Moses Lake, Ellensburg, Sprague, Keystone, Quincy, and Trinidad into one station - Wallula 91.

~~((40))~~(41) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

~~((41))~~(42) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Busby, Ewartsville, Fallon, Parvin, Union Center, Whelan, and Pullman into one station - Colfax 74.

~~((42))~~(43) Wilson Creek Union Grain & Trading Company is combining Stratford, and Wilson Creek into one station - Wilson Creek 354.

~~((43))~~(44) L. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76.

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 80-04-119

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning small grain seed certification standards, WAC 16-316-525 and 16-316-545;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, Conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, Conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980

By: Art G. Losey  
Assistant DirectorAMENDATORY SECTION (Amending Order No. 1646, filed 8/31/79)WAC 16-316-525 ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	Advance, Belford, Blazer, <u>Karl</u> , Kimberly, Klages, Kombar (P), Larker, Lud (P), Stepford (P Steptoe, Vanguard, Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa, Cayuse, Corbit, <u>Harmon</u> , Otana Park, Toral
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, <u>Fieldwin</u> , Kitt, Marfed, Peak 72, Prodax (P), <del>((Profit-75 (P)))</del> Prostar (P), RF-75 (P), <del>((Fwim))</del> Urquie, Walladay, Wampum, <del>((Wandett))</del> Wared, WS-1 (P), <del>((WS-6 (P)))</del> WS-25 (P), <u>711 (P)</u>
Wheat, winter	Barbee, Daws, Faro, Gaines, <u>Hatton</u> , Hyslop, Jacmar (P), Luke, McCall, McDermid, Moro, Nugaines, Paha, <u>Raeder</u> , Sprague, Stephens, <u>Tyce</u> , Wanser, Yamhill
Triticale, spring	

(P) means Proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

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. 1622, filed 4/30/79)

**WAC 16-316-545 FIELD STANDARDS.**

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	5 plants /acre	15 plants /acre
Other small grains	(Max.)	None	5 plants /acre	15 plants /acre
Rye and triticale in barley, oat or wheat		None	None	None
Vetch		None	None	None

(1) The field inspection will be made when the seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((prohibited noxious weeds)), or excess ((objectionable or common)) weeds, or mechanical field mixing, shall be cause for rejection.

**WSR 80-04-120  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**  
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning field pea certification standards, WAC 16-316-472, 16-316-478 and 16-316-480;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
By: Art G. Losey  
Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1656, filed 8/31/79)

**WAC 16-316-472 ELIGIBLE VARIETY AND STOCK SEED.**

Kind	Variety
Field Pea	Garfield, Latah,

Melrose Austrian  
Winter, Paloma, Tracer

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.  
Certified seed is not eligible for recertification.

Field Pea Alaska

Certified seed is eligible to produce certified seed.

**AMENDATORY SECTION** (Amending Order No. 1458, filed 5/13/76)

**WAC 16-316-478 ISOLATION REQUIREMENTS.** Each field pea field for certification must be isolated from ~~((fields producing a certified class of the same variety by three feet, and from))~~ other field pea fields by ~~((forty))~~ three feet.

**AMENDATORY SECTION** (Amending Order 1458, filed 5/13/76)

**WAC 16-316-480 FIELD STANDARDS.**

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	10 plants /acre	20 plants /acre
Vetch	(Max.)	None	None	5 plants /acre
Austrian pea, rye		None	None	None

(a) The field inspection will be made when the seedcrop is in full bloom.

(b) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((prohibited noxious weeds)), or excess ((objectionable or common)) weeds, or mechanical field mixing, shall be cause for rejection.

**WSR 80-04-121  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**  
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning lentil seed certification standards, WAC 16-316-695 and 16-316-715;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m.,



Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
By: Art G. Losey  
Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1464, filed 5/13/76)

**WAC 16-316-695 ELIGIBLE VARIETY AND STOCK SEED.**

Kind	Variety
Lentil	((Fekoa) Chilean 78, Redchief

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.  
Certified seed is not eligible for recertification.

**AMENDATORY SECTION** (Amending Order No. 1464, filed 5/13/76)

**WAC 16-316-715 FIELD STANDARDS.**

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	10 plants /acre	30 plants /acre
Barley, vetch, ea.	(Max.)	None	10 plants /acre	30 plants /acre

(a) The field inspection will be made when the seedcrop is in full bloom.

(b) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((prohibited noxious weeds)), or excess ((objectionable or common)) weeds, or mechanical field mixing, shall be cause for rejection.

**WSR 80-04-122  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**  
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning sod quality certified seed standards, WAC 16-316-622;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m.,

Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
By: Art G. Losey  
Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1619, filed 4/30/79)

**WAC 16-316-622 RYEGRASS STANDARDS.** Seed standards for sod quality Ryegrass ((grass)) seed are as follows:

Variety	Min- imum Purity	Min- imum Germin- ation	Maxi- mum Other Crop*	Maxi- mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

\*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

\*\*Maximum fluorescence levels as determined by breeder or variety owner.

\*\*\*Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

**WSR 80-04-123  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**  
[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning annual bluegrass quarantine procedures, WAC 16-495-085;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
By: Art G. Losey  
Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1607, filed 5/1/79)

**WAC 16-495-085 DEFINITIONS.** (1) Annual bluegrass - Poa annua and all related subspecies.

(2) Seed stock - those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does

not include: Big Bluegrass, Upland Bluegrass, Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official Seed Laboratory – seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Representative Sample – sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate – a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redbtop; a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag – a tag issued by Washington State Department of Agriculture to be sealed to each bag showing said seed has met quarantine requirements.

**WSR 80-04-124**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning varieties eligible for seed certification, WAC 16-316-800, 16-316-810, 16-316-820 and 16-316-830;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, Conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, Conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1603, filed 4/30/79)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- |  |  |
|--|--|
| Bentgrass:<br>(subject to poa annua quarantine)        | Astoria Colonial***<br>Bardot Colonial<br>Highland Colonial**<br>Seaside Creeping***<br>Emerald Creeping** |
| Big Bluegrass:   | Sherman**  |
| Canada Bluegrass:<br>(subject to poa annua quarantine) | Reubens**pat   |

- |  |  |
|--|--|
| Canby Bluegrass:   | Canbar**   |
| Kentucky Bluegrass:<br>(subject to poa annua quarantine) | A20-6*p<br>A-34 (Bensun)**p<br>Adelphi**pat<br>Baron**pat<br>Birka*p<br>Bonnieblue (Pac)**pat<br>Bono (Birdie)*p<br>Bristol<br>Cheri(Golf)*p<br>Cougar*<br>Delta*<br>Fylking**pat<br>Georgetown**p<br>Geronimo*p<br>Glade**pat<br>Holiday*p<br>Kenblue*<br>I-13**p<br>Majestic**pat<br>Merion**<br>Newport**<br>Nugget*<br>Pacific<br>Parade*p<br>Park**<br>Plush*p<br>Ram I*p<br>S-21**p<br>Touchdown*pvv<br>Troy**p<br>Victa*p<br>Wabash |

- |  |  |
|--|--|
| Meadow Brome:                                    | Regar**  |
| Mountain Brome:                                  | Bromar**   |
| Smooth Brome:                                    | Baylor*p<br>Blair*p<br>Manchar**<br>Sac**<br>Saratoga* |
| Deertongue:<br>(subject to poa annua quarantine) | Tioga*   |

- |   |   |
|---|---|
| Fescue:<br>(subject to poa annua quarantine – except tall fescue) | Cascade Chewings**<br>Jamestown<br>Chewings*p<br>Durar Hard**<br>Scaldis Hard*pvv<br>Dawson Red*p<br>Novorubra Red*p<br>Pennlawn Red*<br>Ruby Red*p<br>Wintergreen Red*<br>Covar Sheep**<br>Alta Tall**<br>Fawn Tall* |
|---|---|

- |  |   |
|--|---|
| Orchardgrass:  | Hay King<br>Latar**<br>Pennlate*<br>Potomac*  |
| Indian Ricegrass:  | Nezpar**  |
| Perennial Ryegrass:<br>(subject to poa annua quarantine) | Belle<br>Cropper*p<br>Diplomat*pvvV<br>NK-100*p<br>Yorktown*pvvV<br>Norlea*p<br>Pennfine*pvvV<br>Pelo**p<br>Yorktown II*pvvV<br>Manhattan*p.<br>LP-20 |

Timothy:	Champlain*	G-777*p	WL-318*p
	Climax*	G-7730	120*p
	Clair*	Glacier*p	123*p
	Mohawk	Gladiator*p	
	Pronto*p		521*p
Wheatgrass:	Whitmar Beardless**	Honeoye*pvpV	520*p
	Fairway Crested*	Iroquois*	
	Nordan Crested**	Ladak**	530*p
	Amur Intermediate***	Ladak 65*p	
	Greenar	Liberty**	
	Intermediate**	Marathon*p	
	Oahe Intermediate*	Mesilla**	
	Tegmar Intermediate*	Narragansett**	
	Siberian**	Nomad**	
	Greenleaf Pubescent*	Nugget*pvp	
	Luna Pubescent**	Olympic*pvp	
	Topar Pubescent**	Peak*p	
	Primar Slender**	Phytor*p	
	Sodar Streambank**	Polar I*p	
	Critana Thickspike**	Primal*p	
	Alkar Tall**	Ramsey*p	
		Ranger**	

(2) VARIETY RESTRICTIONS. (a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years.

**AMENDATORY SECTION** (Amending Order No. 1603, filed 4/30/79)

**WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE.** (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*	Lakeland*
Chesapeake*	Pennscott*
E-688*p	Prosper I*p
Flare	Redland*pvp
Florex*pvp	Redland II
Florie*p	Redman*p
Hamidori*p	Ruby**p
Kenland*	Tristan*p
Kenstar*pvpV	

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding.

**AMENDATORY SECTION** (Amending Order No. 1603, filed 4/30/79)

**WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE.** (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A-24**p	Saranac*
A-59**p	Saranac AR*pvpV
Advantage	SX10*p
Agate*	SX-418*p
	Team*
Anchor*pvp	
Answer*p	Tempo*p
Apalachee*	
Aquarius*p	Thor*p
Apollo*pvp	Titan*p
Arc*	Trident
Arnim*p	
Atlas*pvp	Vernal*
Atra-55*p	Vanguard*pvp
	Vista*p
Baker*pvpV	Voris A77*p
	WL-220*p
Blazer*p	Warrior*p
	Washoe*
Citation*pvp	Weevlchek*p
Conquest*p	
Dawson*	WL-215*p
Delta**	WL-219*p
Dupuits*p	WL-307*p

(2) VARIETY RESTRICTION.

(a) Baker: The length of stand, including the year of establishment, shall not exceed the following:

(i) breeder seed, ((2))two years;

(ii) foundation seed, ((3))three years with a fourth year option dependent on breeder approval;

(iii) certified seed, ((6))six years both inside and outside the area of adaptation.

(b) Ranger: Length of stand shall not exceed ((6)) six years.

**AMENDATORY SECTION** (Amending Order 1603, filed 4/30/79)

**WAC 16-316-830 BEAN VARIETIES ELIGIBLE.** Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59 NW-63 Rufus**
Pinto:	NW-410 NW-590 Olathe U of I14***
Pink:	Gloria** Roza** Viva**
Small White:	Chief** Aurora** Bonus** NW-395
Kidney:	Royal Red**
Snap Bean:	Yakima** Apollo**

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 80-04-125**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning bean quarantine, WAC 16-494-040;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

WSR 80-04-126  
 PROPOSED RULES  
 DEPARTMENT OF AGRICULTURE  
 [Filed April 2, 1980]

AMENDATORY SECTION (Amending Order 1651, filed 8/31/79)

WAC 16-494-040 CONDITIONS. (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (*Phaseolus angularis*) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection: PROVIDED, That the requirements for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when the bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test of a ((5)) five pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director: PROVIDED, That said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

(3) However, bean seed that is in compliance with this quarantine planted for harvest as green beans for cannery or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, must be notified immediately and said plantings placed under an inspection program.

(4) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(5) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(6) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm or corporation: PROVIDED, That said plantings are approved by the director, ((and)) under supervision of technically trained personnel familiar with bacterial diseases and inspected by state personnel.

(7) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans.

**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.

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning bentgrass and redtop seed certification standards, WAC 16-316-035, 16-316-0451 and 16-316-0601;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903, conduct a relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-035 BENTGRASS AND REDTOP CERTIFICATION STANDARDS. (1) The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for bentgrass and redtop seed certification.

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-0451 LAND REQUIREMENTS. (1) A field to be eligible for production of foundation seed shall not have been grown or have been seeded to ((bentgrass))an Agrostis species during the previous five years, and for the production of registered or certified seed shall not have been grown or have been seeded to ((bentgrass))an Agrostis species during the previous year unless the previous crop was of the same variety or strain and certified.

(2) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the seed branch.

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

Specific Seed Standards	Bentgrass			
	Founda-tion	Regis-tered	Certi-fied	
Pure Seed**	(Minimum) 98.00%	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum) .20%	.20%	.60%	.60%
Inert Matter	(Maximum) 2.00%	2.00%	2.00%	2.00%
Weed Seed	(Maximum) .30%	.30%	.40%	.40%*
Germination	(Minimum) 85.00%	85.00%	85.00%	85.00%

Specific Seed Standards	Redtop			
		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	96.00%	96.00%	92.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	4.00%	4.00%	8.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag ((bentgrass))seed shall not contain over 900 seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) ((Bentgrass)) Seed must not contain more than 90 per pound for blue tag, singly or collectively of objectionable weeds (see general rules). ((Bentgrass)) Seed must be free of the seed of weeds listed as prohibited noxious.

\* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

\*\* 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

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 80-04-127**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning bean seed certification standards, WAC 16-316-270;

that such agency will at 1:30 p.m. Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

**AMENDATORY SECTION** (Amending Order 1611, filed 4/30/79)

**WAC 16-316-270 CERTIFICATION FEES.**

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:  
 Per variety, per grower ..... \$10.00

(b) Acreage fee:

(i) One Inspection: (per acre) ..... \$ 1.00

For certification of Great Northern, Red Mexican, Pinto, ((and)) Pink, and Small White Beans.

(ii) Two Inspections: (per acre) ..... \$ 1.50

Includes windrow inspection which is required for: Certification of Snap Beans and Kidney Beans; Phyto-Sanitary Certificates; Eligibility for shipment into Idaho.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made.

(c) Late application penalty fee: ..... \$10.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) ..... \$20.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: . \$ 0.20

The production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the 20¢ cwt. production fee charged is refundable.

(4) Purity and Germination tests: .....

Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this order shall be the most applicable fee established by the director of agriculture.

**WSR 80-04-128**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning alfalfa seed certification standards, WAC 16-316-235;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1453, filed 5/13/76)

**WAC 16-316-235 LAND REQUIREMENTS.** (1) A field to be planted with breeder seed for the production of foundation seed, or with foundation seed for the production of registered seed, must not have been grown or have been seeded to alfalfa during the preceding four years.

(2) A field to be planted with foundation or registered seed for the production of certified seed must not have been grown or have been

seeded to alfalfa during the preceding two years: Except the time interval may be reduced to one year if the new planting is of the same variety ((σr)) and class.

(3) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(4) Ditchbanks, roadways, etc. adjacent to a certified field must be free of volunteer alfalfa and prohibited noxious weeds.

(5) Volunteer alfalfa plants in the field may be cause for rejection or reclassification of a seed field.

(6) No manure or other contaminating materials shall be applied during the establishment and production period of the stand.

**WSR 80-04-129**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning red clover seed certification standards, WAC 16-316-445;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to may 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1457, filed 5/13/76)

**WAC 16-316-445 LAND REQUIREMENTS.** (1) A field to be planted with breeder seed for the production of foundation seed must not have been grown or have been seeded to red clover during the preceding six years, three years of which the land must have been cultivated.

(2) A field to be planted with foundation seed for the production of certified seed must not have been grown or have been seeded to red clover during the preceding three years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover will not be eligible to produce certified seed after two seed crops. These crops may be produced either in the same or in consecutive years.

(4) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the certifying agency.

(5) Ditchbanks, roadways, etc., adjacent to a certified field must be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material shall be applied one year preceding, or during the establishment and productive period of the stand.

(8) A stand of red clover over three years old is not eligible for certification.

**WSR 80-04-130**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning soybean seed certification standards, WAC 16-316-925;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

**AMENDATORY SECTION** (Amending Order No. 1617, filed 4/30/79)

**WAC 16-316-925 FIELD STANDARDS.**

Factor	Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.) 0.10%	0.20%	0.20%

(1) The field inspection will be made when the seedcrop is in full bloom and/or of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((prohibited noxious weeds)), or excess ((objectionable or common)) weeds, or mechanical field mixing, shall be cause for rejection.

**WSR 80-04-131**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning labeling requirements for small grain, field pea, lentil and soybean seeds, WAC 16-317-040, 16-317-050, 16-317-060, 16-317-080, and 16-317-090;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, Conference Room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1: 30 p.m., Thursday, May 8, 1980, State Department of Agriculture, Conference Room, 2015 South 1st Street, Yakima, Wa 98903.

Dated: April 2, 1980
By: Art G. Losey
Assistant Director

AMENDATORY SECTION (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN, FIELD PEA, LENTIL AND SOYBEAN SEEDS. ((In addition to the)) Labeling requirements shall be as specified in RCW 15.49.320 of the Washington State Seed Act((;)). In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of ((5)) five percent by weight of the whole; or type may not be shown: PROVIDED, That the label shall conspicuously show the words "type not stated".

(2) A tetrazolium test may be used in lieu of germination: PROVIDED, That the label shall state "Tetrazolium . . . . %", and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

AMENDATORY SECTION (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS. (1) Small grain, field pea, lentil and soybean seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in RCW 15.49.420(1) (a), (b), (d), (g) and (2) (a), (b), (c), (d), and (e) of the Washington State Seed Act need ((only contain the information required in WAC 16-317-040(a) and RCW 15.49.320(1)(b), (c), and (e) on the)) attached labels containing only information required in RCW 15.49.320(1) (a), (b), (c) and (e); and small grain seed labels shall also contain additional information in WAC 16-317-040(1): PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date .....

.....
.....
.....
.....
(Seed Dealer's Name and Address)

I, ....., because of an emergency need for ..... seed, am waiving my rights as provided in RCW 15.49.320(4) to receive the germination and purity information required in RCW 15.49.320(1)(g) and (2), on lot/s ..... purchased on .....: PROVIDED, That within thirty days, the supplier provides the above information to me in writing.

.....
(Customer's Signature)

(3) When small grain, field pea, lentil and soybean seed is distributed in bulk, the information required in ((WAC 16-317-040 and)) RCW 15.49.320 of the Washington State Seed Act and for small grain, the information in WAC 16-317-040 shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040(((a) and (b))) and RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution: PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and that the results of a purity and germination test of a representative sample is made available to the purchaser no later than thirty days following the initial distribution of the lot.

(5) Origin is not required for small grain, field pea, lentil and soybean seed labeling.

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. 1606, filed 4/30/79)

WAC 16-317-060 SEED HELD IN STORAGE. Small grain, field pea, lentil and soybean seed held for bulk distribution or invoice labeling, shall be plainly identified with information required ((under WAC 16-317-040(a) and)) in RCW 15.49.320(1) (a), (b) and (c) of the Washington State Seed Act and for small grain, the information in WAC 16-317-040(1).

AMENDATORY SECTION (Amending Order No. 1653, filed 8/31/79)

WAC 16-317-080 NOXIOUS WEEDS. It shall be unlawful to distribute small grain, field pea, lentil and soybean seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound.

NEW SECTION

WAC 16-317-090 LABELING LAWN AND PASTURE MIXTURES. Labeling shall be as specified in RCW 15.49.320 of the Washington State Seed Act except origin will not be required.

WSR 80-04-132

NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Memorandum, Chairman—April 2, 1980]

The Forest Practices Board of the State of Washington will hold a special public meeting on May 28, 1980 at 9 a.m. in Room 301, Public Lands Building, Olympia, Washington. This meeting is in lieu of the April 22, 1980 meeting (WSR 80-03-073) and is for the same business as was scheduled for the April 22, 1980 meeting, which is the consideration of amending or adding new sections to the Forest Practices Regulations Title 222 WAC.

This special meeting may be continued from time to time and place to place until completion of business.

DATED This 2nd day of April, 1980.

WSR 80-04-133

PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 2, 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 nursing home licensure program administration, new chapter 388-98 WAC.

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 May 8, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Thursday, May 22, 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., Friday, May 30, 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 18.51.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 22, 1980, and/or orally at 10:00 a.m., Thursday, May 22, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 1, 1980  
By: N. S. Hammond  
Executive Assistant

Chapter 388-98 WAC  
NURSING HOME LICENSURE PROGRAM ADMINISTRATION

NEW SECTION

WAC 388-98-001 DEFINITIONS. For the purpose of this regulation, the following words or phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "Applicant" means an individual, partnership, corporation, or other legal entity which seeks a license to operate a nursing home.

(2) "Deficiency" means a finding by the department written on a statement of deficiency/plan of correction form indicating a part of chapter 248-14 WAC as being not met.

(3) "Department" means the state department of social and health services.

(4) "Director" means an individual who has been elected or appointed as director of a corporation pursuant to chapter 23A.08 or 24.03 RCW.

(5) "Licensed nursing home" means a nursing home licensed pursuant to chapter 18.51 RCW.

(6) "Licensee" means an individual, partnership, corporation, or other legal entity to whom a license to operate a nursing home has been granted or a person subject to such licensure as determined by the department but does not include any employee of such licensee or person.

(7) "Managing employee" means the designated nursing home administrator, or his alternate and/or an individual designated to perform managerial functions.

(8) "Officer" means an individual who has been appointed an officer of a corporation pursuant to chapter 23A.08 or 24.03 RCW.

(9) "Owner of five percent or more of the assets of a nursing home" means an individual, marital community, corporation, partnership, or

other legal entity which owns five percent or more of the assets of a nursing home or five percent or more of the stock which represents the assets of the nursing home.

(10) "Partner" means an individual who is a general or limited partner in a partnership which owns or operates a nursing home.

(11) "Reasonable time" means, a period of time determined by the department and noted in the plan of correction. In determining the length of the period of time for correction of each class of deficiency, the department will consider:

(a) The minimum amount of time practically required to correct;

(b) The gravity of the deficiency, including the severity and immediacy of the actual or potential harm to any resident.

(12) "Responsible party" means the person designated, appointed, assigned, or delegated responsible for the overall operation and management of the licensed nursing home.

NEW SECTION

WAC 388-98-800 APPLICABILITY OF CIVIL FINES. (1) A fine of up to one thousand dollars may be imposed when the department finds that an applicant, licensee or any partner, officer, director, owner of five percent or more, or managing employee has:

(a) Been the holder of a license issued pursuant to chapter 18.51 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled; or

(b) Knowingly or with reason to know made a false statement or an omission of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

(c) Refused to allow representatives or agents of the department to inspect all the books, records, and files required to be maintained on any portion of the premises of the nursing home; or

(d) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department in the lawful enforcement of any provision of chapter 18.51 RCW; or

(e) Wilfully prevented or interfered with any representative of the department and the preservation of evidence of any violations of any of the provisions of chapter 18.51 RCW on the standards, rules, and regulations promulgated thereunder; or

(f) Failed to report patient abuse or neglect in accordance with chapter 70.124 RCW; or

(g) Failed to pay any civil fine assessed by the department pursuant to chapter 18.51 RCW within twenty days after such assessment becomes final.

(2) Monetary fines of a civil nature may be imposed on the responsible party or the licensee of a nursing home as follows:

(a) It shall be a class A deficiency when there are conditions or practices that present an immediate danger of death or serious physical harm to any patient in the nursing home or substantial probability that death or serious physical harm would result. The condition or practice constituting a class A deficiency shall be abated or eliminated as soon as possible within twenty-four hours upon notification to the responsible party or licensee. The responsible party or licensee shall be subject to a fine not to exceed one thousand dollars for each class A deficiency for which the responsible party or licensee has been notified and for which the time for correction has passed.

(b) It shall be a class B deficiency when there are conditions or practices which have a direct or immediate relationship to the mental or physical health, safety, or security of residents of a nursing home but which presents no imminent danger nor substantial probability of death or serious physical harm to them. A class B deficiency shall be corrected within a reasonable time determined by the department, but in no event more than sixty days. The responsible party or licensee shall be subject to a fine not to exceed seven hundred fifty dollars for each class B deficiency for which the responsible party or licensee has been notified and for which the time for correction has passed.

(c) It shall be a class C deficiency when there are conditions or practices which have a relationship to the health, safety, or security of any nursing home patient at a nursing home but which cannot be classified as a class A or class B deficiency. A class C deficiency shall be corrected within a reasonable time determined by the department. The responsible party or licensee shall be subject to a fine not to exceed five hundred dollars for each class C deficiency for which the responsible party or licensee has been notified and for which the time for correction has passed.

**NEW SECTION**

**WAC 388-98-830 NOTIFICATION.** (1) Department findings shall be written as a statement of deficiency and presented to the responsible party or licensee.

(2) The department shall obtain a plan of correction and reasonable time for correction from the responsible party or licensee. The reasonable time for correction shall be limited by the classification of deficiency.

(3) Unacceptable plans for correction or times for correction will be returned by personal service or certified mail to the responsible party or licensee, with letter of explanation, for revision and resubmission.

(a) The responsible party or licensee shall be allowed up to eight hours to submit an acceptable plan of correction and reasonable time for correction for class A deficiencies.

(b) The responsible party or licensee shall be allowed up to five working days to submit an acceptable plan of correction and reasonable time for correction for class B deficiencies.

(c) The responsible party or licensee shall be allowed up to ten working days to submit an acceptable plan of correction and reasonable time for correction for class C deficiencies.

(4) When the responsible party or licensee corrects a deficiency as determined by the department within the reasonable time established, a fine will not be imposed.

(5) Upon responsible party's or licensee's petition, the department shall determine whether or not to grant a request for an extended correction time. Such a petition must be received by the department at the earliest possible date prior to the expiration of the correction time originally approved. The burden of proof is on the petitioner to show good cause for not being able to comply with the original correction time.

(6) When the corrective action taken by the responsible party or licensee fails to fully correct the deficiency the degree of progress in correcting the deficiency will be considered in determining whether or not a fine will be imposed.

(7) If correction has not been completed and a decision not to fine the responsible party or licensee has been made, that decision shall be communicated to the responsible party or licensee and documented in the licensing file.

**NEW SECTION**

**WAC 388-98-850 IMPOSITION AND PAYMENT OF FINES.** (1) Each fine imposed shall be approved by the department.

(2) Written notice of imposition shall be provided by personal service or certified mail to the individual or entity to be fined.

(3) The amount of the fine shall be based on any or all of the following:

(a) The cost to the department;

(b) The history of noncompliance;

(c) The responsible party's or licensee's effort to correct the deficiency;

(d) The severity of the deficiency;

(e) The prevalence of the deficiency.

(4) The written notice is an order that shall become final twenty days after its service upon the individual or entity unless the individual or entity requests a hearing.

(5) All hearings shall be in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

(6) If a hearing is so requested, the written order shall become final at the conclusion of the review provided by that act.

**NEW SECTION**

**WAC 388-98-870 SEPARATE VIOLATIONS.** Each separate finding of a violation of a statute, rule or regulation shall constitute a separate violation.

**NEW SECTION**

**WAC 388-98-890 REPORTING.** All civil fines assessed against an individual who is a licensed nursing home administrator or administrator in training or any other individual who holds a professional license, shall be reported to the professional licensing division, business and professions administration. The report shall include the name of the person, name of the facility, amount of fine, and date of fine.

**WSR 80-04-134  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed April 2, 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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

The Department of Social and Health Services proposes changes in the methods by which the patient care, administration and operations operations-wage and property cost area nursing home reimbursement rates are determined, as described below. The changes will not result in a decrease in expenditures. It is expected that they will result in reducing the rate of increase of expenditures, net of adjustments for inflation. Changes are proposed in response to actions taken by the state legislature during the 1980 session. Copies of the proposed changes may be obtained from:

Rate Section  
Bureau of Nursing Home Affairs OB-31  
Department of Social and Health Services  
Olympia, Washington 98504

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, WA, Phone (206) 753-7015, by May 8, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Thursday, May 22, 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., Friday, May 30, 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 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 22, 1980, and/or orally at 10:00 a.m., Thursday, May 22, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 1, 1980

By: N. S. Hammond  
Executive Assistant

AMENDATORY SECTION

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. If a required report is not properly completed (i.e., in balance and in the required detail) and received by the department within the relevant time period, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the delinquent report is properly completed and received.

AMENDATORY SECTION

WAC 388-96-525 EDUCATION AND TRAINING. (1) Ordinary expenses of employee orientation, on-the-job training, in-service training, and continuing education will be allowable costs, if the training is necessary in order for employees to maintain relevant professional licenses, or is directly related to the performance of duties assigned or reasonably in prospect.

(2) Ordinary expenses of nursing assistant training conducted pursuant to RCW Chapter 18.54A will be allowable costs.

~~((2))~~ (3) Necessary and ordinary expenses of training programs conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least ~~((40))~~ forty hours per week, including reasonable vacation, holiday and sick time) will be allowable at the lower of (a) actual compensation received, or (b) the amount in the table in subsection (4) of this section corresponding to the number of set-up beds in the nursing home. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after it begins.

(2) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty set-up beds in the nursing home, at the lower of ~~((+))~~ (a) actual compensation received, or ~~((2))~~ (b) seventy-five percent of the appropriate amount in the table in subsection (4) of this section.

(3) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of ~~((+))~~ (a) actual compensation received, or ~~((2))~~ (b) sixty percent of the appropriate amount in the table.

(4) TABLE  
Maximum Allowable Total Compensation for  
Licensed Administrators—Calendar Year ~~((1978))~~ 1980

BED SIZE	
1 - 49	<del>(\$22,098)</del> \$25,775
50 - 99	<del>(\$23,126)</del> \$26,974
100 - 149	<del>(\$25,053)</del> \$29,222
150 and up	<del>(\$25,695)</del> \$29,970

(5) ~~((The table applies to the portion of a contractor's fiscal year in calendar year 1978. For any part of a fiscal year in calendar year 1979;))~~ A table to be promulgated by the department will apply for subsequent calendar years.

(6) If any of the above employees works fewer than forty hours as administrator, assistant administrator or administrator-in-training in the average week, allowable compensation shall be the lower of (a) actual compensation received, or (b) the appropriate amount in the table multiplied by the percentage of forty hours worked in the relevant position in the average week. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(7) The contractor shall maintain time records for the licensed administrator and for an assistant administrator or administrator-in-training, if any.

AMENDATORY SECTION

WAC 388-96-713 RATE DETERMINATION. (1) Each contractor's reimbursement rate will be determined prospectively at least

~~((twice))~~ once each calendar year ~~((;))~~ to be effective ~~((January 1 and))~~ July 1 ~~((;))~~ and will be adjusted for inflation January 1 using factors specified in WAC 388-96-719(3). Rates may be adjusted more frequently to take into account program changes or economic conditions.

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

AMENDATORY SECTION

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

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

AMENDATORY SECTION

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by each contractor.

(2) Data containing obvious errors, data for facilities which are out of compliance with any standard or condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate ~~((ranges under subsections (4) and (6) of this section;))~~ upper limits for WAC 388-96-743 and WAC 388-96-735(3).

(3) Each contractor's reported cost data ~~((except, after December 31, 1978, for depreciation, interest, and lease costs;))~~ used in rate computations for the patient care, food, administration and operations-wage and administration and operations-nonwage cost areas will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics, except that for the period July 1, 1980, through June 30, 1981, employee wages will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability. The national consumer price index component indices averages for the most recent twelve-month period will be applied in rate computations for the cost areas in subdivisions (a) ~~((and)),~~ (b) and (c) of subsection (3):

(a) Patient care—"medical care-other professional services" index, except that for the period July 1, 1980, through June 30, 1981, this cost area will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability;

(b) Administration and operations-wage—Average of the ~~((all items))~~ commodities less food" and "services less medical care ~~((services))~~" indices, except that for the period July 1, 1980, through June 30, 1981, this cost area will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability.

(c) Administration and operations-nonwage—Average of the "commodities less food" and "services less medical care" indices;

~~((c))~~ (d) For the food cost area, the Seattle consumer price index for food at home over the most recent twelve-month period will be used.

~~((4))~~ A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) in the property cost area will be determined for each facility through multiple regression analysis, that does not include leased facilities. The formula, which will be developed by the department, will recognize factors which may be significant, including location, age, and type of facility.

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

(b) To determine an individual contractor's prospective rate, its predicted cost for the cost area is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived within the last twelve-month period in

the regression analysis described above. A rate ceiling, defined as this predicted cost plus one standard deviation of the difference calculated, in accordance with subdivision (a) of this subsection, for the property cost area will then be determined. If the contractor's reported costs are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs.)

((5)) (4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

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

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine nursing and ancillary services ((and supplies)) to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2) (a) ((Beginning October 1, 1979, predicted patient care staffing hours per patient day in the patient care cost area will be determined for each facility through multiple regression analysis. The dependent variable will be patient care staffing data from recent cost reports or certified quarterly reports provided by the contractor. The independent variable will be the average functional status score of medical recipients in the facility as determined by the Katz ADL Scale.

(b) After the predicted patient care staffing hours per patient day have been computed, the difference between each facility's reported patient care staffing hours and the predicted hours will be computed. The standard deviation of the difference will also be calculated.

(c) A patient care staffing hours ceiling, defined as the predicted cost plus one and three-quarters standard deviations of the difference calculated in accordance with subdivision (b) of this subsection will then be determined.

(d) Beginning July 1, 1979, standard hours will be established using staffing data from recent cost reports and certified quarterly reports. For a facility, standard hours will be the facility's reported hours. Beginning October 1, 1979, a maximum patient care staffing hour ceiling will be calculated in accordance with subdivision (c) of this subsection. Standard hours may be adjusted by the department in cases where characteristics of patients in a facility have changed and staffing levels are below levels predicted by the regression equation.) Beginning July 1, 1980, regression analysis will be used to determine the relationship between patient care staff hours per patient day and the functional status of medical recipients. Staff data from recent cost reports or certified quarterly reports provided by the contractor will be used as the dependent variable in the regression analysis. The independent variable will be the functional status of medical recipients in the facility as determined by the facility's mean Katz ADL score in the calendar year corresponding to the reporting year. The regression analysis will be used to calculate the predicted staffing in the following equation:  $y = a + bx$  where  $y$  is the predicted staff hours for the reporting period;  $x$  is the mean Katz score in the calendar year corresponding to the reporting period;  $a$  is the intercept of the regression equation; and  $b$  is the slope of the regression equation which measures the change in predicted staff level per unit of change in Katz score.

(b) For each facility, the base period patient care staff hours and base period Katz score will be determined. The base period patient care staff hours are the patient care staff hours reimbursed during the period October 1, 1979 through June 30, 1980. The base period Katz score is the Katz score used in determining patient care staff ceilings effective October 1, 1979.

(c) The department will identify facilities which have experienced a substantial change in Katz score between the base year and the reporting year. A substantial change will be determined as follows:

(i) The difference between the Katz score in the reporting period and the base year will be computed for all facilities;

(ii) The standard deviation of the differences specified in (2) (c) (i) above will be determined;

(iii) For each facility, the difference determined in (2) (c) (i) above will be divided by the standard deviation of the differences determined

in (2) (c) (ii) above. This ratio is defined as the standardized change in Katz score;

(iv) A substantial decrease in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2) (c) (iii) above is less than  $-1.645$ ;

(v) A substantial increase in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2) (c) (iii) above is greater than  $2.326$ ;

(vi) Facilities not meeting the definition of substantial change in (2) (c) (iv) above or (2) (c) (v) above will be defined as not having a substantial change in Katz score.

(d) Patient care standard hours will be determined as follows:

(i) If there has not been a substantial change in a facility's Katz score as defined in (2) (c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours;

(ii) If there has been a substantial change in a facility's Katz score as defined in (2) (c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours plus the factor  $b$  defined in (2) (a) above multiplied times the facility's Katz score in the base period minus the facility's Katz score in the reporting period as shown in the following relation:  $b \times (\text{base period Katz score} - \text{reporting period Katz score})$ .

(e) The wages for patient care personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160. ((The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.)) For the ((initial)) period July 1, 1979 through December 31, 1979 hourly wages for categories of employees covered within this cost center will be averaged as follows:

Registered nurses	\$6.60
Licensed Practical Nurses	\$5.30
Nursing assistants	\$3.69

For other employees, actual reported wages plus 8 annual inflation will be used. Subsequent increases in the amount set forth in this section shall not be set forth by rule change, but will be available for inspection and examination in the Bureau of Nursing Home Affairs. Rates received by the application of the formula set forth in this section which are not devoted to meeting the wages set forth above ((by category)) are not allowable costs.

(f) The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.

(g) On add-on to this rate will be calculated to recognize contractual patient care consultants and therapists based upon recent cost reports.

(3) In addition to its reimbursement rate, each contractor ((with)) may be assigned a range of nursing service hours which represent the maximum and minimum number of hours the department will purchase. For purposes of this hour range for IMR facilities, nursing services include residential living services. The range will depend on the characteristics of the patients in each facility. From January 1, 1978 through December 31, 1978, it will be computed based on the ratio of the number of SNF, ICF and IMR patients of each level, respectively, to the total number of patients in the facility, assuming a range of 1-2 hours for ICF patients, 1.75 - 3 hours for SNF patients, 3.1-6.1 for IMR level A patients, 2.7-5.4 for IMR level B patients, 2.1-3.6 for IMR level C patients, and 1.2-2.4 for IMR level D patients. On and after January 1, 1979, this range will be derived using a uniform patient assessment performed by the department. When the certification of a contractor is changed to add or eliminate a level of care, the range will be adjusted using the ratio of patients in each level of care at the time the new certification becomes effective. When the department requires new standards or makes program changes which require more or less nursing service, the range will be adjusted as of the effective date of the new standard or program change.

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

WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST ((AREA)) AREAS ((RATE)) RATES. (1) The administration

and operations cost ((area)) areas reimbursement ((rate)) rates will be computed to cover the necessary and ordinary costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages), medical supplies, taxes, and insurance.

(2) The administration and operations—wage cost area reimbursement rate will be calculated as follows:

(a) Beginning July 1, ((+1979)) 1980, hours for support staff other than administrators and assistant administrators will be taken from recent cost reports and certified quarterly reports provided by the contractor. Hours of support staff per patient day will be calculated and the eighty-fifth percentile of reported hours for all reporting facilities will be determined. Standard hours for support staff will be determined as reported support staff hours per patient day up to the eighty-fifth percentile lid.

(b) Wages for the above employees shall be the sum of the product of ninety percent of the prevailing wages expressed in an hourly rate, based on the state-wide salary survey as conducted pursuant to RCW 41.06.160. The standard hours will be combined with the wages determined above to calculate a rate. For the ((initial)) period beginning July 1, 1979 through December 31, 1979, hourly wages for the employees covered within this cost center shall be averaged as follows: for ((supervisor)) supervisory employees, other than administrators and assistant administrators, \$5.30; for non-supervisory employees, \$3.69. Subsequent increases in the amount set forth in this section shall not be reflected by rule change, but will be available for inspection and examination in the Bureau of Nursing Home Affairs. Rates received by the application of the formula set forth in this section which are not devoted to meeting the wages set forth above ((by category)), are not allowable costs.

(c) For IMR facilities, standard hours may be modified by the Survey Section, Bureau of Nursing Home Affairs, in consultation with the department's Division of Developmental Disabilities.

(3) The administration and operations—nonwage cost area reimbursement rate will be calculated as follows:

((+4)) (a) Other allowable administration and operations costs will be taken from the most recent desk-reviewed annual cost report and updated using the inflation factors specified in WAC 388-96-719((+4))(3).

(b) Reimbursement for this portion of administration and operations will be limited to the ((eighty-fifty)) eighty-fifth percentile of all reporting facilities, except that facilities may be grouped by factors other than owners or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

**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

WAC 388-96-743 PROPERTY COST AREA RATE. Property reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the Department of Social and Health Services, recognizing factors which may be significant, including location, age, and construction type of facility. ((Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper band of the multiple regression formula for comparable owner-operated facilities:)) For July, 1980 rate setting, rental costs leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

#### AMENDATORY SECTION (Amending Order 1381, filed 3/28/79)

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning January 1, 1979, the department will pay a return on investment based on a contractor's equity capital as defined in WAC 388-96-010.

(2) For the period January 1, 1978, through June 30, 1979, the rate of return used to calculate this return on investment will be eleven percent or one and one-half times the most recent twelve-month average of rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund (the Medicare rate of return on equity capital) whichever is lower. Beginning July 1, 1979, the rate of return will be the Medicare rate of return on equity capital.

(3) The calculation of a contractor's return on investment will consist of multiplying equity capital as defined in WAC 388-96-010 by the current rate of return.

(4) This return on investment will be paid as an add-on to the property and related cost area and will not be subject to the upper limit of the cost area. This return on investment based on equity capital is applicable to proprietary contractors only.

(5) For the period January 1, 1978, through December 31, 1978, a contractor may choose to retain savings in the administrative and operations and property and related cost centers in lieu of receiving a return based on equity capital.

**WSR 80-04-135  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed April 2, 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 WAC 388-08-080 Notice and opportunity for hearing.  
Amd WAC 388-11-090 Hearings examiner.

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 April 30, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 14, 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, May 21, 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 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 10:00

a.m., Wednesday, May 14, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 1, 1980  
 By: N. S. Hammond  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 768, filed 1/10/73)

**WAC 388-08-080 NOTICE AND OPPORTUNITY FOR HEARING.** (1) A hearing under RCW 74.08.070 shall be held in the county in which the appellant resides. The department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing at least twenty days prior to the date thereof by first class mail, registered mail, or personal service of a written notice upon appellant or his representative. However, if the date, time or place of the hearing is not convenient to appellant he shall be afforded the opportunity of requesting a different date, time or place. Such request shall be granted upon a showing of due cause.

(2) The hearing shall be conducted by an impartial duly qualified hearing examiner appointed by the secretary for such purpose who was not previously involved in any way with the action in question.

(3) Any party may request the removal of the assigned hearings examiner or review examiner and the appointment of another examiner for good cause shown. Requests to remove hearings examiners shall be ruled upon promptly by said examiner's supervisor and be subject to review as provided in WAC 388-11-105. When the request is to remove a review examiner, the request shall be ruled upon by the hearings review chief.

**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 1305, filed 6/15/78)

**WAC 388-11-090 HEARINGS EXAMINER.** The hearing shall be conducted by a duly qualified hearings examiner appointed by the secretary for such purpose who was not previously involved in any way with the action in question. ~~((No hearing examiner or hearing examiner acting as designee of the secretary for the purpose of review of decisions pursuant to WAC 388-11-100 and 388-14-375 shall hear or review a contested case provided for by RCW 74.20A.055, when it has been requested by any party or representative that a different hearing examiner be assigned to hear or review said matter. PROVIDED, That no party or representative shall be permitted to make more than one such request in the same case without the allegation and proof that actual cause exists for the removal of the hearing examiner first assigned to hear said case. The party or representative requesting the change of hearing examiner shall make said request in writing.))~~ Any

**AMENDATORY SECTION** (Amending Order No. 1616, filed 4/30/79)

**WAC 16-304-040 SCHEDULE OF ((LABORATORY)) CHARGES.** (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA-ZOLIUM 200 Seeds
Bentgrass*	2 oz.	<del>((14.00))</del> \$19.50	<del>((8.50))</del> \$12.00	<del>((7.50))</del> \$10.50	<del>((21.50))</del> \$30.00	<del>((11.50))</del> \$16.00
Bluegrass*	4 oz.	<del>((1.50))</del> 16.00	<del>((7.00))</del> 10.00	<del>((8.00))</del> 11.00	<del>((19.50))</del> 27.50	<del>((1.50))</del> 16.00
Bromegrass	6 oz.	<del>((2.50))</del> 17.50	<del>((7.00))</del> 10.00	<del>((6.50))</del> 9.00	<del>((19.00))</del> 26.50	<del>((1.50))</del> 16.00
Fescue	4 oz.	<del>((1.50))</del> 16.00	<del>((7.00))</del> 10.00	<del>((6.50))</del> 9.00	<del>((18.00))</del> 25.00	<del>((1.50))</del> 16.00
Orchardgrass	4 oz.	<del>((14.00))</del> 19.60	<del>((8.50))</del> 12.00	<del>((7.00))</del> 10.00	<del>((21.00))</del> 29.50	<del>((1.50))</del> 16.00
Ryegrass	4 oz.	<del>((1.50))</del> 16.00	<del>((7.00))</del> 10.00	<del>((6.00))</del> 8.50	<del>((17.50))</del> 24.50	<del>((1.50))</del> 16.00
Crested Wheatgrass	4 oz.	<del>((14.00))</del> 19.50	<del>((8.50))</del> 12.00	<del>((7.00))</del> 10.00	<del>((21.00))</del> 29.50	<del>((1.50))</del> 16.00
Other Wheatgrasses	6 oz.	<del>((20.00))</del> 28.00	<del>((2.))</del> 17.00	<del>((7.00))</del> 10.00	<del>((27.00))</del> 38.00	<del>((1.50))</del> 16.00
Other grasses	4 oz.	<del>((10.00))</del>	<del>((6.00))</del>	<del>((6.00))</del>	<del>((16.00))</del>	<del>((1.50))</del>

party may request the removal of the assigned hearings examiner or review examiner and the appointment of another examiner for good cause shown. Requests to remove hearings examiners shall be ruled upon promptly by said examiner's supervisor and be subject to review as provided in WAC 388-11-105. When the request is to remove a review examiner, the request shall be ruled upon by the hearings review chief.

**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 80-04-136  
 PROPOSED RULES  
 DEPARTMENT OF AGRICULTURE**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture, intends to adopt, amend, or repeal rules concerning schedule of fees, WAC 16-304-040 and 16-304-050;

that such agency will at 1:30 p.m., Thursday, May 8, 1980, in the State Department of Agriculture, conference room, 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 4:00 p.m., Friday, May 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1980, and/or orally at 1:30 p.m., Thursday, May 8, 1980, State Department of Agriculture, conference room, 2015 South 1st Street, Yakima, WA 98903.

Dated: April 2, 1980  
 By: Art G. Losey  
 Assistant Director

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA-ZOLIUM 200 Seeds
Beans & Peas	1 1/4 lb.	14.00 <del>(7.00)</del> 10.00	8.50 <del>(4.00)</del> 5.50	8.50 <del>(6.50)</del> 9.00	22.50 <del>(13.50)</del> 19.00	16.00 <del>(11.50)</del> 16.00
Cereals	1 1/4 lb.	<del>(7.50)</del> 10.50	<del>(5.00)</del> 7.00	<del>(6.50)</del> 9.00	<del>(14.00)</del> 19.50	<del>(11.50)</del> 16.00
Other crops	4 oz.	<del>(7.50)</del> 10.50	<del>(5.00)</del> 7.00	<del>(6.50)</del> 9.00	<del>(14.00)</del> 19.50	<del>(11.50)</del> 16.00
Mixture (for each additional kind)		<del>(6.00)</del> 8.50		<del>(7.00)</del> 10.00		<del>(11.50)</del> 16.00
*Separation of other varieties		<del>(4.50)</del> 6.50				
Beets		11.00	6.50	14.00	25.00	16.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram - bluegrass; 5 grams - alfalfa; and 100 grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams - bluegrass; 50 grams - alfalfa; 100 grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 seeds.

(c) Purity and Germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium Test - a chemical test that measures viability and germination potential. (A germination test should also be obtained).

(2) Special Tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or Weed Exam..... Noxious only fee plus ~~(2.50)~~ \$3.50  
(or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each 5 grams ..... ~~(56.00)~~ \$8.50

Poa annua check for other grasses - each 10 grams .. ~~(55.00)~~ \$7.00

(c) Sod Seed Analysis -  
Bluegrass ..... ~~(35.00)~~ \$49.00  
Fescue ..... ~~(25.00)~~ \$35.00  
Ryegrass ..... ~~(20.00)~~ \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use).

Bluegrass test includes purity, variety separation, 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop. (Fluorescent required on Ryegrass; germ and fluorescent test additional fee).

(d) Fluorescent Test - (400 seed test) ..... ~~(8.00)~~ \$11.00

(e) Pest & Disease, Soil Exam or similar ..... ~~(10.00)~~ \$14.00

(Reported on Seed Analysis Certificate). A visual examination of a representative sample. Phyto requested in addition to analysis certificate, additional fee of ..... ~~(55.00)~~ \$7.00

(f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) ..... ~~(9.00)~~ \$13.00

(3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "Inventory Samples".

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee except for mixtures where the primary ingredient will be tested at half price - balance to be tested at regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous Laboratory Fees:

(a) Rush Samples (including phone report if requested at time sample is submitted) ..... ~~(5.00)~~ \$7.00

(b) Phone reports on test result, per call ..... ~~(2.00)~~ \$2.50

(c) Preliminary report on germination (phone report only) ..... ~~(5.00)~~ \$7.00

(d) Morphological Test ..... ~~(5.00)~~ \$7.00

Alfalfa or clover examined under magnification for combine damage).

(e) Additional mailing of report (each destination) . ~~(1.00)~~ \$1.50

(f) Recopies of reports (minimum fee) ..... ~~(2.00)~~ \$2.50  
(or hourly fee when applicable)

(g) ISTA Test - Purity and germination fee plus ~~(50%)~~ 50 percent

(h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. .... ~~(4.00)~~ \$5.50

(i) Hourly fee for miscellaneous services ..... ~~(10.00)~~ \$11.00

**AMENDATORY SECTION** (Amending Order No. 1477, filed 6/18/76)

**WAC 16-304-050 MISCELLANEOUS CHARGES.**

(1) Sanitary Certificate ..... \$10.00

(2) Service Sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size - per cwt ..... \$ 0.03

(b) For all other kinds - per cwt ..... \$ 0.15

(c) Minimum charge ..... \$15.00

(3) Tagging and Sealing or similar service: The fee for each service requested shall be:

(a) For all kinds of seed - per cwt ..... \$ 0.15

(b) Minimum fee ..... \$15.00

(4) Checkweighing, checkloading, or similar service shall be - per hour ..... \$12.50

~~(15)~~ Minimum fee ..... \$15.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of ~~(8-25)~~ \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of ~~(8-25)~~ \$16.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, processing plants, etc. shall be at the rate of ~~(12-50)~~ \$16.00 per hour plus mileage and travel time.

(7) Requests for services not listed - most appropriate fee.



Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning minimum qualifications and credentials for instructional and key administrative personnel of community colleges, specifically WAC 131-16-080, 131-16-091, 131-16-092 and 131-16-093;

that such agency will at 8:30 a.m., Thursday, May 22, 1980, in the Peninsula College, 1502 East Lauridsen Blvd., Port Angeles, WA. 98362, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Thursday, May 22, 1980, in the Peninsula College, 1502 East Lauridsen Blvd., Port Angeles, WA. 98362.

The authority under which these rules are proposed is RCW 28B.50.090(7)(a).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 22, 1980, and/or orally at 8:30 a.m., Thursday, May 22, 1980, Peninsula College, 1502 East Lauridsen Blvd., Port Angeles, WA. 98362.

Dated: April 2, 1980

By: Gilbert J. Carbone  
Assistant Director

#### AMENDATORY SECTION (Amending Order No. 5, filed 2/12/69)

WAC 131-16-070 ADOPTION AND PUBLICATION OF DISTRICT PERSONNEL SELECTION PRACTICES AND STANDARDS REQUIRED. Each community college district board of trustees shall adopt and publish a statement of personnel selection practices and standards governing all nonclassified service personnel which are designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organizations, and provide for a professional staff representing a wide range of educational and professional experience. Such personnel practices and standards shall be consistent with WAC 131-16-080.

**Reviser's Note:** The above section appears, pursuant to RCW 34.08.040, exactly 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 No. 22, filed 11/27/73)

WAC 131-16-080 GENERAL STANDARDS OF QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL. Prior to employment of candidates to perform professional services in Washington community colleges, the district board of trustees shall establish that the candidate possesses:

- (1) Scholarship and/or technical skill that represents appropriate study ~~((or))~~ training, and skills in the proposed area of assignment,
- (2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,
- (3) A demonstrable understanding and acceptance of the role ~~((he is to play))~~ to be played as a partner in an educational enterprise serving the best interests of the students,
- (4) A demonstrable understanding and acceptance of the mission, role, and character of the community college,
- (5) The ability to perform ~~((his))~~ assigned duties in a manner consistent with the goals of the institution and the community college system, and
- (6) Personal characteristics that contribute to ~~((his))~~ the ability to promote the welfare of the students, the institution, and the State of Washington.

WAC 131-16-091 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION. In addition to the general standards required by WAC 131-16-080 and Chapter 490-28A WAC in the case of vocational education personnel, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

(1) Professional personnel performing services for which advanced degrees are normally available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and extensive professional experience in the field of their educational service.

(2) Professional personnel in vocational fields or other specialized areas for which advanced degrees are not normally available shall have sufficiently broad and comprehensive training and work experience that particularly qualifies them to provide instruction in their area of specialization. (3) Vocational education teaching personnel must have recent work experience beyond the learning period as a fully qualified worker in the occupation that will be taught. The minimum work experience shall be equal to the recognized learning period required to gain competence in the occupation, but shall be in no case less than two calendar years of full-time work or its equivalent, which shall be 4,000 hours of work in the occupation to be taught. ~~((Vocational counselors shall meet the work experience requirement by demonstrating work experience in one or more occupations other than professional education, which is cumulative to at least two years.))~~

(a) Minimum work experience for apprenticeable occupations will be equal to the learning period then currently registered with the State Department of Labor and Industries.

(b) Minimum work experience in occupations requiring state licensing will be two calendar years subsequent to receipt of license, unless the occupation is also an apprenticeable trade.

(c) Minimum work experience for all other trades and occupations will be two calendar years of full-time employment or ~~((the))~~ its equivalent, which shall be 4,000 hours of work experience subsequent to the recognized learning period.

(d) Recent work experience shall be defined as employment full time for six months or ~~((the))~~ its equivalent, which shall be 1,000 hours in the occupation to be taught within the two years immediately preceding initial vocational certification.

(e) One year full-time employment shall mean that which is the standard for the occupation.

~~((3))~~ (4) All other vocational education ~~((at))~~ teaching personnel including instructors of vocationally related courses, teachers' aides, lab assistants and tutors who do not meet the work experience and educational requirements specified above may be employed either on a full-time or part-time basis, provided that such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned, and provided further that such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately certified professional. Each college district shall maintain ~~((appropriate))~~ job descriptions for each position in this category.

(5) Vocational counselors shall meet the minimum work experience requirement by verifying work experience in one or more occupations other than professional education, which is cumulative to at least 4,000 hours or two years of full-time employment. Vocational counselors shall be certified only if they have had preparation in vocational counseling, testing and occupational information.

~~((4))~~ (6) General administrative personnel shall have advanced training or experience relevant to their assigned duties. The chief administrator shall hold an earned doctorate from an accredited university or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities.

~~((5))~~ (7) Vocational administrative personnel, including the chief vocational education officer or other individual assigned that responsibility (commonly referred to as the vocational director), and all other subordinate vocational education administrative personnel must have been employed as a full-time vocational education instructor for at least three academic years or have equivalent teaching experience in industry or other public agencies and they must have had at least two calendar years of accumulated experience in the capacity of a supervisor in education, business, industry, a public agency or an equivalent volunteer community service. In addition, such individuals must have demonstrated to the employing agency ~~((his/her))~~ a commitment to and understanding of vocational education. Industry and public agency experience will be evaluated at no more than a one-to-one basis.

~~((6))~~ (8) Persons employed prior to the effective date of this document shall comply with these standards unless they were qualified on

the basis of standards which were in effect in the 1969 Washington State Plan for Vocational Education. All persons shall comply with the provisions of WAC 131-16-092 and ((WAE)) 131-16-093 regarding certification and renewal of certificates.

~~((7))~~ Exceptions to the above work experience standards relating to vocational personnel shall be documented through procedures set forth in Section 1.34-6, 1.34-7, and 1.35.4 of the State Plan for Vocational Education:))

**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.

**WAC 131-16-092 MAINTAINING AND IMPROVING OCCUPATIONAL AND TEACHING COMPETENCIES FOR VOCATIONAL ADMINISTRATORS, INSTRUCTORS, AND COUNSELORS.** It shall be the responsibility of the president of each institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify through the vocational director each instructor and vocational counselor and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted professional shall have an individual improvement plan developed in consultation with and approved by ~~((the appropriate dean or his designee and))~~ the vocational director or designee. ~~((Recommendations of the appropriate advisory committee should be taken into account in developing the individual improvement plan:))~~ The vocational director shall maintain a file of all such plans.

(3) Part-time ~~((professional))~~ teaching personnel must have temporary certification and shall obtain a one-year certificate ~~((by the end of the equivalent of one academic year of full-time instruction or counseling))~~ upon the accumulated completion of 45 quarter credits ~~((or 45 credit equivalents))~~ of teaching. Individual professional improvement plans shall be established and approved for part-time personnel ~~((by the time they have achieved the equivalent of one year of full-time employment))~~ upon issuance of a one-year certificate.

(4) Part-time counselors shall obtain a one-year certificate upon completion of the equivalent of one full academic year of counseling responsibility. Individual professional improvement plans shall be established and approved upon issuance of a one-year certificate.

~~((4))~~ (5) Full-time ~~((instructors or counselors))~~ professional personnel may not be employed on the basis of a temporary certificate for a period of more than one year.

~~((5))~~ (6) Certification under the above standards is a condition of continued employment for all vocational education personnel.

**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.

**WAC 131-16-093 TYPES OF VOCATIONAL EDUCATION CERTIFICATES.** For the purposes of this section, equivalency shall mean in each case that the employee shall successfully complete the objectives outlined in ~~((his))~~ the improvement plan. In issuing certificates for vocational education personnel, the college district shall utilize the following nomenclature and shall meet the standards set forth:

(1) ~~((A "temporary certificate" shall be issued to vocational instructors or counselors provided that such individuals shall be required to complete a minimum of fifteen contact hours of teaching orientation or the equivalent to begin no later than the first day of employment. Vocational counselors shall be certified only if they have had appropriate successful preparation in vocational counseling and testing. A temporary certificate is renewable only for part-time instructors))~~ Temporary certificate.

(a) Vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete a minimum of fifteen contact hours of teaching orientation or the equivalent to begin no later than the first day of employment. A temporary certificate is renewable only for part-time instructors who have not accumulated 45 quarter credit hours or equivalency of teaching.

(b) Vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 131-16-091(5).

(2) ~~((A "one-year certificate" shall be issued to instructional personnel who have completed the minimum requirements for a temporary certificate and who in addition have completed thirty contact hours in the course "Elements of Teaching" or the equivalent as determined by the vocational director. A one-year certificate may be issued to counselors who have completed the minimum requirements for a temporary certificate and who in addition have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than twice after initial issuance for each year of full-time equivalent instruction))~~ One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent instruction.

(b) Counselors may be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate and who, in addition, have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent counseling.

(3) ~~((2))~~ Three-year certificate. ~~((1))~~ (Optional with the local district).

(4) ~~((A "five-year certificate (initial)" shall be issued to professional personnel who have completed a minimum of two years of conditionally certified teaching or counseling service, who have in addition to the one-year certificate requirements completed a minimum of thirty contact hours in the course "Occupational Analysis" or its equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan. In addition to the above, instructional personnel must have completed at least thirty contact hours in the course "Course Organization" or its equivalent and counseling personnel must have completed at least thirty contact hours in the course "Occupational Information" or its equivalent))~~ Five-year certificate (initial).

(a) Instructional personnel shall be issued a five-year certificate upon completion of two years of teaching service, who have, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan.

(b) Counseling personnel shall be issued a five-year certificate upon completion of two years of counseling service, who provide in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, and who have completed a minimum of six additional professional improvement units in accordance with the individual's improvement plan.

(5) ~~((A "five-year certificate (renewal)" shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. For instructional personnel, emphasis should be placed on field or work experiences where appropriate and in accordance with the individual improvement plan. For counseling personnel, it is recommended that a minimum of seven must be in the field or work experiences and a minimum of three in organized counseling improvement))~~ Five-year certificate (renewal). A five-year renewal certificate shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. Professional improvement plans initiated after July 1, 1980, shall, if deemed appropriate, include work experience as defined in WAC 131-16-094(1), and no more than 10 professional units in any one category as defined in WAC 131-16-094 shall apply.

(6) The vocational director shall be responsible for the designation of approved course equivalents.

WAC 131-16-094 DEFINITION OF PROFESSIONAL IMPROVEMENT UNITS. The following standards shall be used in the determination of professional improvement unit values for vocational certification by the college districts.

(1) Each ~~((full work week))~~ forty hours of ~~((appropriately pre))~~planned, pre-approved paid ~~((field))~~ work ~~((or clinical))~~ experience shall be equal to one professional improvement unit.

(2) One credit on the quarter system or two-thirds credit on the semester system earned in accredited programs at colleges or universities shall be equal to one professional improvement unit provided it is in compliance with the professional improvement plan.

(3) ~~((Each full day of preplanned participation in conferences and seminars shall be equal to .20 professional improvement units, provided that such activities are in addition to those covered by the normal contractual obligations))~~ Each accumulated twenty hours of pre-planned participation in activities, such as conferences, seminars, workshops, or symposiums shall be equal to 1.0 professional improvement unit.

(4) ~~((Each day of preplanned experience in either domestic or foreign travel related to the individual's instructional area shall be equal to .20 professional improvement units))~~ Additional professional improvement units may be granted as approved in the individual improvement plan on the basis of independent research and individual development activities in ~~((excess of the normal contractual obligations))~~ of the instructor, ~~((or))~~ counselor, or administrator in excess of the normal contractual obligations.

(5) The vocational director shall be responsible for the approval of professional improvement plans, equivalencies and units as stated in WAC 131-16-092, 093, 094.

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 80-04-138**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
[Memorandum—April 2, 1980]

**FY 81 Municipal Wastewater Treatment Works  
Construction Grants Project Priority List**

The Washington State Department of Ecology is seeking public comment on the proposed priority list for projects to receive wastewater treatment works construction grants in FY 81.

Two hearings will be held to receive public comment:

Tuesday, May 20, 1980 Thursday, May 22, 1980  
1:30 p.m. at: 1:30 p.m. at:

Port of Seattle Yakima County Courthouse  
Pier 66 Room 420  
Seattle, Washington Yakima, Washington

The proposed FY 81 project priority list will be available after April 20, 1980 from: Jan Whitworth, Municipal Division, Department of Ecology, Olympia, Washington 98504; or telephone (206) 754-1518.

The Department of Ecology will accept written comments on the proposed priority list until June 2, 1980. People unable to attend the hearings may mail their comments to Department of Ecology Hearing Officer, Olympia, WA 98504.

**WSR 80-04-139**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 2, 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 Instream Resources Protection Program—Deschutes River Basin, Water Resource Inventory Area (WRIA) 13, adopting chapter 173-513 WAC;

that such agency will at 7:30 p.m., Wednesday, May 21, 1980, in the Lacey City Hall, Conference Room, 620 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., Friday, June 20, 1980, in Room 284, Dept. of Ecology Headquarters, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is Chapters 90.22 and 90.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1980, and/or orally at 7:30 p.m., Wednesday, May 21, 1980, Lacey City Hall Conference Room, 620 College Street, Lacey, WA.

Dated: April 2, 1980  
By: Elmer C. Vogel  
Deputy Director

Chapter 173-513 WAC  
Instream Resources Protection Program—  
Deschutes River Basin, Water Resource  
Inventory Area (WRIA) 13

NEW SECTION

WAC 173-513-010 GENERAL PROVISION. These rules apply to waters within the Deschutes River Basin, WRIA 13, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program).

NEW SECTION

WAC 173-513-020 PURPOSE. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Deschutes River Basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, environmental values, recreation, navigation, and preserve high standards of water quality.

NEW SECTION

WAC 173-513-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station Location, River Mile and Section, Township and Range	Affected Stream Reach
12.0800-00 Deschutes River	3.4 Sec. 35-18N-2W	From the confluence of the Deschutes River with Capitol Lake upstream to the Deschutes Falls at river mile 41.

(2) Instream flows established for the stream management unit described in WAC 173-513-030(1) are as follows:

**INSTREAM FLOWS IN THE DESCHUTES RIVER BASIN**  
(in Cubic Feet per Second)

Month	Day	USGS Gage 12-0800-00 Deschutes River
Jan.	1	400
	15	400
Feb.	1	400
	15	400
Mar.	1	400
	15	400
Apr.	1	350
	15	(Closed)
May	1	(Closed)
	15	(Closed)
June	1	(Closed)
	15	(Closed)
July	1	(Closed)
	15	(Closed)
Aug.	1	(Closed)
	15	(Closed)
Sept.	1	(Closed)
	15	(Closed)
Oct.	1	(Closed)
	15	(Closed)
Nov.	1	150
	15	200
Dec.	1	300
	15	400

(3) Instream flow hydrograph, as represented in the document entitled "Deschutes River Basin Instream Resource Protection Program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-513-030(2).

**NEW SECTION**

**WAC 173-513-040 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATIONS.** (1) The department of ecology, having determined that further consumptive appropriations would harmfully impact instream values, closes the following streams and lakes to further consumptive appropriation for the periods indicated.

New Surface Water Closures

<u>Stream or Lake</u> <u>Section, Township and</u> <u>Range of Mouth or Outlet</u>	<u>Tributary to</u>	<u>Period of Closure</u>
Deschutes River below Deschutes Falls (river mile 41) NW1/4SW1/4 Sec. 26, T. 18N., R. 2W.	Puget Sound (Budd Inlet)	Apr. 15 to Nov. 1
Deschutes River above Deschutes Falls (river mile 41) and all tributaries of Deschutes River E1/2NE1/4 Sec. 10, T. 15N., R. 3E. (Deschutes Falls)		All year
McLane Creek and all tributaries SW1/4NW1/4 Sec. 33, T. 18N., R. 2W	Puget Sound (Eld Inlet)	All year
Woodland Creek and all tributaries SW1/4NW1/4 Sec. 19, T. 19N., R. 1W.	Puget Sound (Henderson Inlet)	All year
Long Lake SE1/4NE1/4 Sec. 22, T. 18N., R. 1W.	Woodland Creek	All year
Patterson Lake SE1/4SW1/4 Sec. 35, T. 18N., R. 1W.	Woodland Creek	All year
Hicks Lake NE1/4SW1/4 Sec. 27, T. 18N., R. 1W.	Woodland Creek	All year

(2) The following stream and lake low flows and closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Low Flow Limitations and Closures

<u>Stream</u> <u>Section, Township</u> <u>and Range of Mouth</u>	<u>Tributary to</u>	<u>Action</u>
Percival Creek SW1/4NE1/4 Sec. 22, T. 18N., R. 2W.	Capital Lake	Closure
Unnamed Stream NW1/4NW1/4 Sec. 33, T. 19N., R. 2W.	Puget Sound (Eld Inlet)	Low Flow (1.5 cfs)
Unnamed Stream NW1/4NW1/4 Sec. 25, T. 19N., R. 2W.	Gull Harbor	Low Flow (1.0 cfs)
Woodward Creek SW1/4NW1/4 Sec. 19, T. 19N., R. 1W.	Woodward Bay	Closure

**NEW SECTION**

**WAC 173-513-050 GROUNDWATER.** In future permitting actions related to groundwater withdrawals, particularly from shallow aquifers, a determination shall be made as to whether the proposed withdrawal will have a direct, significant and measurable impact on streamflows in streams for which closures and instream flows have been adopted (WAC 173-513-030 and 173-513-040). If the determination affirms such interrelationship, the provisions of WAC 173-513-030 and 173-513-040 shall apply.

**NEW SECTION**

**WAC 173-513-060 LAKES.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

**NEW SECTION**

**WAC 173-513-070 EXEMPTIONS.** (1) Nothing in this chapter shall affect water rights, riparian, appropriative, or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Domestic in-house use for a single residence and stock watering shall be exempt except that use related to feedlots.

**NEW SECTION**

**WAC 173-513-080 FUTURE RIGHTS.** No rights to divert or store public surface waters of the Deschutes River Basin, WRIA 13, shall hereafter be granted which shall conflict with the purpose of this chapter as stated in WAC 173-513-020.

**NEW SECTION**

**WAC 173-513-090 ENFORCEMENT.** In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

**NEW SECTION**

**WAC 173-513-100 REGULATION REVIEW.** The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.

**WSR 80-04-140**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 2, 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 the amending of WAC 173-19-220 Grays Harbor County; WAC 173-19-2204 Hoquiam, City of; WAC 173-19-3903 Edmonds, City of and WAC 173-19-3913 Snohomish, City of. (These sections are part of chapter 173-19 WAC Shoreline Management Act of 1971—State Master Program.);

that such agency will at 10:00 a.m., Tuesday, May 6, 1980, in Room 273, Department of Ecology Headquarters, Abbott Rafael Hall, St. Martin's College Campus, Lacey, 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, May 13, 1980, in Room 273, Department of Ecology Headquarters, Abbott Rafael Hall, St. Martin's College Campus, 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 May 2, 1980, and/or orally at 10:00 a.m., Tuesday, May 6, 1980, Room 273, Department of Ecology Headquarters, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington.

Dated: April 2, 1980

By: Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

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. Revision approved March 27, 1980. Revision approved May 6, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2204 HOQUIAM, CITY OF. City of Hoquiam master program approved April 14, 1976. Revision approved May 6, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3913 SNOHOMISH, CITY OF. City of Snohomish master program approved September 20, 1974. Revision approved February 11, 1977. Revision approved March 26, 1980.

**WSR 80-04-141**  
**PROPOSED RULES**  
**WASHINGTON STATE UNIVERSITY**  
 [Filed April 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, 28B.30.150 and 28B.30.125, that the Washington State University intends to adopt, amend, or repeal rules concerning Campus and parking regulations, chapter 504-16 WAC; University policies and regulations, chapter 504-20 WAC; Policies and regulations applying to all students, chapter 504-24 WAC; Policies and regulations applying to all student organizations, chapter 504-28 WAC; Rules for use of mall, chapter 504-32 WAC; and Health and safety regulations, chapter 504-36 WAC;

that such institution will at 12 Noon, May 14, 1980, in the Wilson Compton Union Building, Pullman Campus, WSU, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., June 6, 1980, in the Wilson Compton Union Building, Pullman Campus, WSU.

The authority under which these rules are proposed is RCW 28B.30.125 and 28B.30.150.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 15, 1980, and/or orally at 12 Noon, May 14, 1980, Wilson Compton Union Building, Pullman Campus, WSU.

Dated: April 2, 1980

By: Wallis Beasley  
Executive Vice President

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-16-120 GENERAL REGULATIONS. These campus parking and traffic regulations include the motor vehicle laws of the state of Washington and the traffic ordinances of the city of Pullman, as well as the special provisions herein provided.

(1) Restricted areas include loading zones, motorcycle zones, spaces assigned to state vehicles, specific residence hall lots, head resident spaces, university housing areas, and Rogers-Orton lot (lot #1). Restrictions in these areas are in effect at all times.

(2) The campus traffic regulations are in force on the campus as defined above, and they are also in force on certain streets of the city of Pullman by permission of the city council.

(3) Pedestrians have the right of way at all intersections and designated pedestrian crossings, except in cases involving emergency vehicles.

(4) The maximum speed limit on the campus is 20 m.p.h. unless otherwise posted.

(5) Driving on campus roads and streets is permitted at any time, except as otherwise posted, but always within the speed limits and in conformity with the regulatory signs. Standing (stopping of a vehicle, but with the driver still in the vehicle) is permitted in regular parking areas even though the vehicle is without a valid parking permit, but double parking while standing is not permitted.

(6) Washington State University assumes no responsibility for damage or theft of cars driven or parked on campus.

(7) ~~((The university reserves the right to impound any illegally parked vehicle at either the owner's or driver's expense. The university assumes no responsibility in the event of damage resulting from the impounding or storage of any illegally parked vehicle. {Order 77-2, § 504-16-120, filed 8/3/77; Order 2, § 504-16-120, filed 7/28/71; Order 1, § 504-16-120, filed 8/13/70.}) An illegally parked vehicle may be towed away or have a wheel lock placed on a wheel. Vehicles that are towed away will be at the expense of the driver or owner. The university assumes no responsibility in the event of damage resulting from~~

towing, storage or attempts to move a vehicle with a wheel lock installed. A vehicle which has been impounded by tow-away or wheel lock will not be released until arrangements have been made to clear outstanding violations that have been issued to that vehicle.

#### AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-16-160 PARKING AREAS. PARKING ON THE CAMPUS IS PERMITTED ONLY IN THE MARKED SPACES IN LOTS AND MARKED SPACES ON STREETS. ALL AREAS OUTSIDE OF THE DESIGNATED AREAS ARE "NO PARKING ZONES." Each parking area has signs to indicate the type of permit or permits required. No vehicle shall be parked so as to occupy any portion of more than one parking place or stall. The fact that other vehicles may have been parked so as to require subsequent vehicles to occupy a portion of more than one space shall not constitute an excuse for a violation of the section. Parking on campus through the year during the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday is limited to motor vehicles which have the official permits properly attached. At other hours, unless otherwise posted, parking permits are not required for parking in the staff or student lot parking areas, or in disability and service spaces outside of the closed area of the campus. Parking permits are required 24 hours a day seven days a week in residence hall areas and university housing areas, and Rogers-Orton lot (lot #1).

(1) Parking areas for staff - Private vehicles of staff members having staff or structure parking permits may be parked in any staff parking area, in any student lot (commuter) parking area, and in lots designated E-lots. They may not be parked in service areas, restricted areas, disability spaces, or specific residence hall lots, unless they also display an appropriate indicator during restricted hours.

(2) Parking areas for students.

(a) Vehicles displaying a student lot permit may be parked in areas signed staff and student lot permits, and in lots which are designated E-lots. The student lot permit is not valid in university housing areas, staff-visitor areas, specific residence hall lots, or in other specific areas such as disability spaces, head resident spaces, or loading zones.

(b) Vehicles displaying a student resident permit without a specific residence hall lot indicator sticker may park in E-lots only.

(c) Vehicles displaying a student resident permit and a specific residence hall lot indicator sticker may park in the appropriate specific residence hall lot and in E-lots. The director of residence living is responsible for issuing specific resident hall lot indicator stickers to the head residents who in turn issue them to students in accordance with a system determined by each hall. The number of specific residence hall indicator stickers issued to a hall is based upon the number of student resident permits purchased by the residents of the hall as of the first day of classes of the fall semester.

(3) Parking areas for visitors - Visitors are welcome at all times. They should pick up a temporary parking permit at the police department which will authorize parking in the areas marked visitors, in the staff parking areas, or in the student lot (commuter) parking areas. They may not park in the restricted areas, service areas, or in specific residence hall lots except by special permit available at the police department.

(4) Parking areas for occupants of university housing.

(a) Occupants of university housing, other than residence halls, may park their vehicles day or night at their housing areas without the payment of the parking permit fee. Housing-area vehicles must display a permit issued by the housing office. Occupants will park their vehicles only in the area designated which will be the street in front of their housing or a designated parking area nearby.

(b) Occupants of university housing who wish to park elsewhere on the campus during restricted hours must purchase the appropriate parking permit.

(5) Motorcycle areas are designated throughout the campus. They are designated by signs and/or the letter "M" painted on the parking surface.

(6) Contractors - Employees of construction projects must park in areas specified for each project.

(7) Metered spaces.

(a) Parking meters in lots 50 and 55 adjacent to the students book corporation are effective from 8:00 a.m. to 5:00 p.m. daily except university holidays and Sundays. (See WAC 504-16-115(8).)

(b) Parking meters elsewhere on campus are effective from 8:00 a.m. to 5:00 p.m. daily except Saturdays, Sundays and university holidays. ~~((holidays and Sundays.))~~

(c) Parking meters in Lot 73 adjacent to the Safety Building are effective 24 hours a day, seven days a week.

**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 77-2, filed 8/3/77)

WAC 504-16-170 ADMINISTRATION AND ENFORCEMENT. (1) The traffic control subcommittee of the university planning committee is responsible for the following:

(a) Making recommendations on regulations governing campus traffic and parking control.

(b) Making recommendations for physical improvements in parking facilities.

(c) Reviewing the administration and enforcement of the regulations.

(d) Authorizing special permits and assessing fees therefor.

(2) The parking appeals committee

(a) Establishes and maintains an appeals procedure for parking violations on campus.

(b) Hears appeals as requested and renders decisions.

(3) The Washington State University police department is responsible for the administration and enforcement of the campus traffic and parking regulations. This responsibility also involves recommending the installation of appropriate traffic signs, maintaining a registration record system, the issuance of permits, the patrol of the university campus, and the keeping of a record of violations, warnings, court summons and arrests.

(4) Anyone observed in violation of traffic regulations or any vehicle found parked in violation of regulations may be given a notice of violation. Moving violations will be referred to the local justice court.

(5) ((The university reserves the right to impound any illegally parked vehicle at either the owner's or driver's expense. The university assumes no responsibility in the event of damage resulting from impounding or storage of any illegally parked vehicle.)) An illegally parked vehicle may be towed away or have a wheel lock placed on a wheel. Vehicles that are towed away will be at the expense of the driver or owner. The university assumes no responsibility in the event of damage resulting from towing, storage or attempts to move a vehicle with wheel lock installed. A vehicle which has been impounded by tow-away or wheel lock will not be released until arrangements have been made to clear outstanding violations that have been issued to that vehicle.

(6) Parking violations will be processed by the university. Parking fines are to be paid at the police department in the safety building. Parking violations may be appealed in writing within 10 days of the violation. The fine will be: Class 1) \$2.00 for parking meters, time zones and no transferable pool card; Class 2) \$10.00 for fire hydrants, no permit head resident's areas and disability spaces; and Class 3) \$5.00 for all other parking violations. Fines for classes 1, 2 and 3 will be reduced by one-half if paid within 24 hours of the violation. Displaying a counterfeit permit or indicator, or obtaining one under false pretenses, will be subject to a fine of \$25.00.

(7) Failure of a student or a staff member to pay the fine assessed for any violation will result in the total amount of the fine being referred to the controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees to secure payment, or withhold outstanding fines from damage deposits or other funds held for any students. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing copies of students' transcripts or to withhold permission to re-enroll for an ensuing term until outstanding fines are paid.

(8) An accumulation of six class-2 or -3 violations during a year will subject the violator to revocation of parking privileges. Vehicles without permits which accumulate the above number of violations will be prohibited from parking on university property.

(9) Appeal procedure - This procedure serves two primary purposes: To assure an impartial evaluation of circumstances and situations relating to a parking violation; and to aid in the appraisal of parking and traffic problems. The appeal procedure may involve two steps:

(a) The initial appeal must be in writing. Forms for this purpose are obtained at the police department. After review by the parking appeals committee, the appellant and, if appropriate, the WSU controller's office are notified of the decision of the committee.

(b) If the initial appeal is rejected, the appellant may request a hearing before the parking appeals committee to present his/her case in person. The appellant is notified by mail of the decision of the committee.

(10) The parking regulations are enforced every day, 24 hours a day throughout the year. During specified periods as described in the following subparagraphs special conditions exist and the regulations are modified accordingly.

(a) During vacation periods and between terms temporary permits are issued without fee for the period when school is not in session.

(b) At the beginning of a semester or summer session parking permits are not required in student lots, specific residence hall lots, E-lots and university housing areas from the Monday of registration week until the beginning of the sixth day of classes.

(c) During finals week permits are not required in student lots, specific residence hall lots, E-lots and university housing areas.

(d) During vacation periods and summer sessions any valid parking permit except those issued by university housing and food service authorizes parking in any lot designated for students.

(e) At the beginning of the fall semester, the prior year staff and visitor permits will be valid until the beginning of the 6th day of classes.

(11) Parking violation notices issued to visitors are considered to be warning notices only for violation No. 4 "No Parking Permit" and violation No. 5 "No Parking Permit for Area."

#### AMENDATORY SECTION (Amending Order 77/2, filed 8/3/77)

WAC 504-20-020 CONDUCT REGULATIONS FOR FACULTY, STAFF, OTHER EMPLOYEES, AND STUDENTS. In applying disciplinary procedures, it is essential that the interest of the faculty, staff, other employees, or students involved and the general welfare of the university be considered. However, the university will regard its principal responsibility for disciplinary action as residing within the university community, its housing, property, and academic pursuits.

Conduct for which faculty, staff, other employees, and students are subject to university discipline falls into the following categories:

(1) Violation of the policy on Freedom of Expression.

~~(2) ((Academic dishonesty. The instructor in a course is responsible for dealing with each case of cheating which occurs in his classes except when the case is deemed to be a flagrant violation of university policies. Cheating cases handled by the instructor ordinarily will result in a grade of "F" for the course, with the situation being reported to the Dean of Students. Repeated violations by one student will subject the student to dismissal from the university.~~

~~Flagrant violations of policies include stealing of an examination, altering of grade records, using information unfairly obtained, encouraging others to act unfairly, entering any office or building to obtain unfair advantage, obtaining an examination through collusion with university employees, and cheating cases involving students not enrolled in the particular course. All such violations will be reported to the Dean of Students, and violators will be subject to dismissal from the university.~~

~~(3)) Forgery, alterations, or misuse of university documents or identification.~~

~~((4)) (3) Using unauthorized sound amplification equipment on university property or using such equipment, after authorization, in a loud and raucous manner.~~

~~((5)) (4) Falsifying information submitted or failure to reveal relevant information on any university application form, or offering any false information in any university disciplinary proceeding.~~

~~((6)) (5) Theft or damage to university property or property belonging to any member of the university community or campus visitor.~~

~~((7)) (6) Using, possessing, or purveying illegal, narcotic or dangerous drugs. University policy is consistent with state and federal laws which regulate the possession, use, sale, and distribution of drugs.~~

~~((8)) (7) Disorderly, indecent, or obscene conduct on university-owned or controlled property or at university-supported or supervised functions.~~

~~((9)) (8) Violation of the following: No faculty, staff, or other employee or student shall have on his person, in his vehicle or otherwise in his possession any gun, pistol, or firearm, or explosives, dangerous chemicals or other dangerous weapons or instruments on the university campus or other university property except as follows:~~

~~(a) Authorized law enforcement officers shall be permitted to carry arms while on duty and engaged in their regular duties.~~

(b) Activities requiring use of the prohibited items may be conducted upon approval of the activity by the Board of Regents.

(c) Persons with firearms in their possession shall be permitted to travel enroute to or from the university-provided firearm storage facilities.

~~((10)) (9) Unlawful acts which directly affect university programs, community members, or property insofar as they materially and substantially interfere with the missions, functions, processes, and goals of the university community.~~

~~((11)) (10) Physical abuse of any person on university-owned or controlled property, or on the property of fraternities, sororities, or co-op houses or at university-sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.~~

~~((12)) (11) Illegal entry, attempted entry, or entry in violation of Washington State University rules respecting university property, university-controlled property or university-related property such as fraternities, sororities, or co-op houses.~~

~~(12) Sexual harassment—any sexual advances by males or females which amount to or imply that compliance is a condition for hiring, job promotions, grades, merit increases or letters of recommendation.~~

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

##### WAC 504-20-040 ACADEMIC INTEGRITY GUIDELINES

The integrity of the academic process requires fair and impartial evaluation on the part of faculty, and honest academic conduct on the part of students. To this end, students are expected to conduct themselves at a high level of responsibility in the fulfillment of the course of their study. It is the corresponding responsibility of faculty to make clear to students those standards by which students will be evaluated, and the resources permissible for use by students during the course of their study and evaluation.

1. Consistent with these considerations, instructors may be expected to observe the following guidelines at the beginning of each semester:

i) describe the general content and objectives of a course.

ii) announce the methods and standards of evaluation (including the importance to be assigned various factors in academic evaluation).

iii) describe the limits of permissible assistance available to students during a course or an academic evaluation (e.g. permissible materials, references, times when students can collaborate, etc.).

iv) outline his/her own specific policies, definitions, and penalties (or those of the instructor's academic department) regarding individual cases of academic dishonesty.

2. A student has an obligation to exhibit honesty in carrying out his academic assignments. Without limiting the application of this principle, a student may be found to have violated this obligation if he/she:

i) refers during an academic evaluation to material sources, or employs devices, not authorized by the instructor.

ii) provides assistance during an academic evaluation to another person in a manner not authorized by the instructor.

iii) receives assistance during an academic evaluation from another person in a manner not authorized by the instructor.

iv) possesses, buys, sells, obtains, or uses a copy of any materials intended to be used as an instrument of academic evaluation in advance of its administration.

v) acts as a substitute or utilizes a substitute in any academic evaluation.

vi) presents as one's own, for words to be submitted for academic credit or evaluation, the ideas, representations, or words of another person without customary and proper acknowledgement of sources.

vii) knowingly permits one's words to be submitted by another person without the instructor's authorization.

3. The instructor of a course is responsible for dealing with each case of cheating which occurs in his/her class except when the case is deemed to be a flagrant violation of university policy. (Procedure for these exceptions is described under number 4 below.)

Some examples of cheating essentially under the control of the instructor are:

a. copying from a neighbor's paper.

b. use of crib notes.

c. giving or receiving unauthorized information.

Involving written assignments:



a. plagiarism.

b. submission of ghost written work in fulfillment of assignments.

In general, cheating involves all methods or techniques that enable a student to gain an unfair advantage.

#### Procedure for Adjudication

When the instructor believes the evidence of cheating is clear, the succeeding procedural steps must be followed. In all cases the objective is to provide fundamental fairness to students as well as an orderly means for arriving at a decision, starting with the individual instructor and then designated administrative officers or bodies. This procedure shall apply in all cases of cheating except those not under the jurisdiction of the instructor.

i) The instructor will advise the student that he/she has reason to believe that the student has committed an offense related to academic integrity, and the student will be afforded at least an informal opportunity to respond. If the student and faculty member accept a specific resolution offered by either of them, the matter shall be considered closed.

ii) If such a resolution cannot be reached, the instructor or student will contact the instructor's department chair in order to facilitate a resolution. If no resolution is satisfactory to both the student and instructor, the department chair or the instructor must file a report of the case and the instructor's decision as to the disposition of the case in the department's confidential files.

iii) After the report is filed, the student may appeal the disposition of the case to the dean of the academic unit, the university Ombudsman or the Dean of Students.

iv) When the student does not appeal the charge of cheating by the instructor, a grade of "F" may be submitted by the instructor for the specific test/paper or for the course.

4. a. Examples of flagrant violations of policies are stealing of an examination, altering of grade records, possessing, buying, selling, or using a copy of any materials intended to be used as an instrument of academic evaluation in advance of its administration, acting as a substitute or utilizing a substitute in any academic evaluation, entering any office or building to obtain unfair advantage, obtaining an examination through collusion with university employees and cheating cases involving students not enrolled in the particular course. All such violations will be reported to the Dean of Students, and violators will be referred to the University Conduct Committee.

b. Instructors should report cases involving flagrant violations and cheating cases involving students not enrolled in the instructor's course to the Dean of Students. The Dean of Students will then make the proper arrangements for a hearing involving the University Conduct Committee. (See WAC 504-20-010 for Procedures and Committee Action.)

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

#### AMENDATORY SECTION (Amending Order 77/2, filed 8/3/77)

**WAC 504-24-010 DISCIPLINARY STRUCTURE AND PROCEDURES.** Washington State University is an educational community and like all complex human enterprises is made up of many groups—over 16,000 students, hundreds of faculty, several levels of administration, and a Board of Regents. This complex aggregate of people will seldom reach complete agreement on any issue. However, this document is presented as a general guideline for the total community after careful consideration for the protection and well-being of every citizen of the community. Students are on campus for educational pursuits which may often have out-of-the-classroom implications which will require that they possess maturity, intelligence, concern for the rights of others, and regard for the mission of the University in order to take full advantage of the educational opportunities available to them.

In order to facilitate the educational purpose of the University, members of the community must agree to certain standards of conduct which are designed to aid in the establishment of an environment in which the goals of the University may be pursued and realized. It is the responsibility of the University community to take action should a member's conduct materially and substantially interfere with: (a) the primary responsibility of ensuring the opportunity for all members of the University community to attain their educational objectives, or (b) the subsidiary responsibilities of protecting the health and safety of

persons on campus and students in living groups, maintaining and protecting property, keeping records, and providing living accommodations and other services.

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy; and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administration officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

Any voluntary community in order to meet its goals and objectives has the obligation to develop standards of conduct for the best interests of all. This includes the responsibility of the University community to take appropriate action when a member's conduct places the best interest of the community in jeopardy. Such an action does not require that the offense be a civil offense (however, if this is the case, it may also be judged on that basis by the courts), but rather an offense against the common good of the University community. At times the best interests of the University community may be served by not waiting until action is completed in court. However, legal action whether civil or criminal does not automatically make an individual accountable to the University.

The structure and procedures for dealing with student conduct are outlined in the pages immediately following. The University expects all judiciary bodies, from the living group standards boards to the University Conduct Committee, to emphasize procedural fairness with regard for the rights of students. The right of appeal is guaranteed in all conduct cases.

The disciplinary structure, procedures, and penalties have been developed by the University Conduct Committee and by the Student Affairs Advisory Committee and have the approval of the Student Assembly, the President of the University, and the Board of Regents.

#### (1) Disciplinary Structure

##### (a) Administrative Offices

The President of the University is responsible to the University Board of Regents for the administration of University regulations and disciplinary procedures.

Ordinarily the disciplinary authority of the University will be invoked only after completion of the procedures established for the review of discipline cases and after the student, if he so wishes, has availed himself of the appeal procedures. However, in emergency situations if the safety of one or more individuals is imperiled, property is endangered, or the University's ability to function is in question, the President or an authorized representative may summarily suspend the enrollment of any student. In all such cases, the individual is entitled to a hearing before the appropriate group of officials as specified under discipline procedures as soon as such hearing can be held, but not later than ten days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the University, except in accordance with conditions established by the University. When time and other conditions permit, the President will notify the University community that an emergency situation exists.

Authority is delegated through the principal administrative officer of Student Affairs to living groups and other student organizations to develop rules, standards, and appropriate disciplinary procedures within their groups in the interest of both the University and the student organizations.

The Office of Student Affairs has the delegated authority to take disciplinary action on direct complaints or on cases referred by living groups. The disposition of such cases ordinarily will not exceed a warning, probation, or certain restrictions. Cases involving serious infractions of University rules or standards are referred to the University Conduct Committee.

##### (b) University Community

A community can be sustained only through the commitment of its members to its continued well-being. Therefore, it is requested that members who become aware of actions which in their judgment threaten the well-being of the community, insofar as achieving its goals and objectives, forward such information to the Office of Student Affairs or other appropriate office. Matters thus referred may be acted upon by the Student Affairs Office, by the University Conduct Committee, or by the appropriate student living group, according to the nature of the problem presented. It is the responsibility of the Office of

Student Affairs to report the general disposition of the case to the person making the initial referral.

(c) University Conduct Committee

The University Conduct Committee is composed of four faculty members and four students. The faculty members are nominated by the University Senate Committee on Committees, the students by the ASWSU and GSA. All members are appointed by the President. (Membership of the committee also includes the Assistant Dean of Students as an ex officio nonvoting member.) The committee's responsibility includes (1) determining appropriate disciplinary action in referred cases; (2) informing the principal administrative officer of Student Affairs of its decision; (3) reviewing policies relative to disciplinary procedures; and (4) advising the principal administrative officer of Student Affairs on current standards.

(d) The ~~((Chairman))~~ Chairperson of the Conduct Committee

(i) Serves as chairperson for all committee meetings, including the hearings and committee discussions.

(ii) Reviews for the student defendant the charge presented to the committee and the function of the committee.

(iii) Is responsible for maintaining order in the hearing and for insuring that due process as provided by University policies is strictly adhered to.

(iv) Makes rulings on procedural and evidentiary matters raised during the proceedings.

(v) Notifies the principal administrative officer of Student Affairs of the decision of the Conduct Committee within two days of the hearing.

(e) ~~((Campus Security~~

~~The Safety Division is responsible for submitting a report to the Dean of Students on any conditions involving WSU students and requiring police or court action.~~

~~((f)) Living Group Organizations~~

Designated student officers in the living groups, working closely with their head residents or advisors and the Director of Residence Living, are encouraged to act on such internal disciplinary problems as they feel competent to deal with effectively. Cases which they judge to be beyond their jurisdiction will be referred to the Student Affairs Office.

The Office of Residence Living presents a report to the University Conduct Committee each semester outlining the number and types of discipline cases handled by campus living groups. The purpose of these reviews is to assure that proper procedure and due process are adhered to within living groups and to provide the University Conduct Committee with information for their continuing review of standards.

(2) Procedures

Discipline cases usually begin with a complaint or police report followed by the student being asked to report to the Office of Student Affairs for an interview and presentation of the facts. The student is asked to submit a signed statement regarding his/her knowledge of the incident. After studying the report and the student's statement, the Office of Student Affairs is empowered to (a) dismiss the case, (b) issue a warning, (c) place the student on probation with or without restrictions, (d) refer the student to the University Conduct Committee, (e) recommend that the President or his/her designee take necessary action pursuant to WAC 504-24-011 to conduct a formal hearing on the matter, and refer the case to the hearing officer or panel for immediate commencement of formal hearing procedures, or (f) refer the student to specialists, as in the case of emotional disturbances. In all cases the student may request a formal hearing or referral to the University Conduct Committee.

In the event the student is referred to the Conduct Committee, he/she is advised by the Administrative Assistant to the Dean of ~~((Students)) Student Affairs or other official designated by the Dean of Student Affairs~~ in writing at least five to six days prior to the hearing of the time and place of the meeting and the specific charge of misconduct. If the date fixed for the committee hearing is substantially burdensome to the student, a new hearing date will be fixed upon request by the student in writing to the Conduct Committee Chairman. This request, except in emergency cases, must be made at least three days before the scheduled hearing. At time of notice, this student is also advised in writing of the committee membership and the general procedures for the committee hearing. As part of the written briefing, the student is advised that the committee will consider all material presented to it in connection with the complaint, any information submitted on his/her behalf in defense to the charge or in mitigation of the circumstances, the seriousness of the matter, and the extent of his/her involvement.

The student is encouraged to present information or materials which will be helpful to his/her position. He/she is also encouraged to

present witnesses or a reasonable number of character references on his/her behalf.

The committee is primarily concerned with the facts which precipitated the hearing. At least 2 days prior to the hearing the student will be permitted to read the complete conduct complaint report prepared for the Conduct Committee. The complete record of the student's prior conduct and academic performance may be taken into account by the committee in arriving at a decision.

A recording will be made of the testimony before the committee including questions of the committee and the student's responses at either the committee's discretion or the student's prior request.

The decision of the University Conduct Committee must be presented to the principal administrative officer of Student Affairs within ~~((five))~~ two days after the completion of the hearing.

The decisions of the Conduct Committee ordinarily are binding; however, the principal administrative officer of Student Affairs has the responsibility for revising the decision of the Conduct Committee if in his/her judgment the rights of the accused or the University make it imperative to do so. The principal administrative officer of Student Affairs must notify the student in writing of ~~((rejection of))~~ the decision within five days of receiving the committee's recommendations.

Appeals from decisions based on new information concerning the case or appeals based on procedural questions or claims of improper hearings are referred to the Dean of Students. The President is available for appeal with respect to the decisions of the Conduct Committee or the principal administrative officer of Student Affairs. All appeals must be made within 10 days of notification of the decision to the student.

The committee hearings and decisions are confidential. The student may personally make public the decision if he wishes. Normally, the committee will not disclose the decision except in unique cases where the case is public knowledge and public disclosure would be in the best interests of the University community.

Students may have an individual of their choice who is not a party to the offense present during the Conduct Committee hearing. They may also have a legal counsel present. Furthermore, the committee may permit a reasonable number of individuals to present testimony concerning the case. Committee deliberations are always closed.

(3) Committee Action

After hearing a case the committee may (1) take no action; (2) dismiss the case; (3) warn the student; (4) impose probation with or without conditions, or (5) dismiss the student from the University. Dismissal may take the form of suspension or expulsion.

(a) Warning. Repeated warnings will result in more severe disciplinary action.

(b) Probation is in effect a trial period. Probation may be levied for any length of time and is subject to such terms and conditions as the disciplinary agency imposing it shall designate. A violation of probation will result in referral of the case to the Conduct Committee for further action.

The parents or legal guardians of students under 18 years of age placed on disciplinary probation will be informed of this action by the office of Student Affairs.

(c) Deferred Suspension: The student is suspended from the University. However, the suspension will be held in abeyance and the student permitted to continue his enrollment for a specified period of time.

(d) Suspension is normally for a stated period of time at the end of which a student may apply for re-admission; the student may also be on probation for a specified period of time after returning to WSU.

(e) Expulsion is permanent dismissal from the University. The parents or legal guardians of a student under eighteen years of age who is involved in disciplinary suspension or expulsion will be advised in writing by the Dean of Students.

(4) Reinstatement

Reinstatement will depend upon the provision of the disciplinary action imposed. Correspondence concerning disciplinary action or reinstatement should be addressed to the Office of Student Affairs.

(5) Appeal from Living Groups

Requests for reconsideration of disciplinary action taken by living groups are submitted to the ~~((Dean of Students))~~ Director of Residence Living. The Office of ~~((Student Affairs))~~ Residence Living will evaluate the living group's action for procedural correctness and then may: (1) refer the case back to the living group for a new hearing; (2) deny or approve the appeal ~~((; or (3) refer the case to the Conduct Committee for a new hearing if requested by the student))~~.

Students should discuss the basis for their appeal with the head resident in residence halls and the house president in the fraternities and

sororities before submitting their appeals to the Director of Residence Living.

~~((6) Academic Complaint Procedures. Students having complaints relative to instruction or grading should refer them first to the instructor, and if not resolved, then to the chairman of the department in which the course is offered. The chairman, if not able to resolve the problem to the student's satisfaction, will refer the complaint, presumably with the chairman's written impressions, to the dean of the college. The student is encouraged then to go directly to the dean of the college. The Ombudsman, the Dean of Students, the Discriminatory Practices Committee, or the Vice President—Academic are always available for any complaint not resolved to the student's satisfaction.))~~

#### AMENDATORY SECTION (Amending Order 77/2, filed 8/3/77)

##### WAC 504-24-020 SOCIAL POLICIES AND PROCEDURES

###### (1) Security Hours.

(a) Living groups are secured during the following hours:

11:00 p.m. - 6:30 a.m. daily

(b) It is understood that a living group has the prerogative of maintaining additional security hours if decided by a vote of the living group. The living group's current security hours should be on file in the Office of Student Affairs.

###### (2) Guest Rules.

(a) Guests must comply with the regulations of the living groups they are visiting.

(b) Keys or card keys will not be issued to guests.

~~(c) ((The host or hostess shall be responsible for the action of guests:~~

~~(d)) All guests ((are to be met in the main lounge or lobby and)) must be escorted while in the building.~~

~~(e) Guests are defined as anyone not residing in the residence hall.~~

###### (3) Visitation.

Each living group is permitted to develop its own visitation schedule for its main lounge and lobbies. No visitation on living floors permitted between hours of 2:00 a.m. and 6:30 a.m.

In developing their own schedules, the following procedures and policies shall be followed:

(a) Members of the living group will vote by secret ballot on the length of time visiting hours are scheduled.

(i) Two-thirds of the membership must approve the plan adopted.

(ii) Sections or individual floors may have a more restrictive policy than that approved by the entire house.

(iii) Hours established for visitation and their continuation are to be reviewed each semester by each living group.

(b) The governing body and staff of each living group shall be responsible for the enforcement of the visitation policy.

(c) All guests are to be met in the main lounge or lobby and must be escorted while in the building.

(d) Upon adoption by the living group, all visitation policies must be presented to the Office of Student Affairs for approval. Living groups must indicate the hours selected and the steps to be taken to protect all members' rights to privacy.

(i) The Office of Student Affairs reserves the right to restrict the visitation schedules of any living group which fails to maintain an atmosphere conducive to educational achievement for all its residents.

**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 77-2, filed 8/3/77)

WAC 504-24-030 HOUSING REGULATIONS FOR UNDERGRADUATES (1) On-campus housing includes residence halls, fraternities and sororities.

(2) Housing Requirements for Single Undergraduate Students. All single undergraduate freshmen ~~((less than 24 semester credit hours))~~ under twenty years of age are required to live in organized living groups which are officially recognized by the University (residence halls, fraternities and sororities) for one semester unless they are residing with parents or legal guardians. Exemptions will be provided for when a student demonstrates to the Office of Student Affairs that:

(a) He or she has attended an institution of higher education as a regularly enrolled student for at least two regular semesters or three regular quarters (excluding summer sessions).

(b) He or she is living with immediate family in a family situation (mother and/or father; legal guardian; married brother or sister; aunt or uncle; or grandparents qualify as immediate family).

(c) He or she has secured a statement from a physician that residence in a living group would have detrimental effects on student's physical health or emotional well-being.

###### (3) Living Group Discipline Jurisdiction.

(a) Residence Halls: Each University residence hall has a framework of rules, policies and traditions for the effective operation of its program. A student in signing a Residence Hall Contract agrees to abide by the rules governing members of a University residence hall.

Standards boards in the residence halls working closely with their head residents and the Office of Residence Living are encouraged to act on such internal disciplinary problems as they feel competent to deal with effectively. Cases beyond their jurisdiction will be handled by the Office of Student Affairs or the University Conduct Committee as the nature of the problem determines.

(b) Fraternities - Sororities: Each of the 38 Greek letter living groups has developed policies and regulations governing the conduct of members and the operation of the organizations. A student in joining one of these groups assumes certain responsibilities of the living group organization.

Student officers in fraternities and sororities working closely with their advisers and the Office of Residence Living are encouraged to act on such discipline problems involving their members as they feel competent to deal with effectively.

(c) Off-Campus Students: Discipline cases involving students not living in organized living groups will be handled directly by the Office of Student Affairs or the University Conduct Committee.

#### AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-28-010 STUDENT ORGANIZATIONS. (1) The student activities Board is the faculty/student committee which recommends and reviews policies pertaining to all student organizations and assists with the planning of their activities. The Board also serves as an appeal body.

###### (2) Membership in Organizations

(a) Active membership in student organizations will be restricted to graduate and undergraduate students unless the organization's constitution provides specifically for active faculty and staff members.

(b) Faculty and others may participate as honorary or associate members at the option of the group or as specified in its constitution.

(c) To be eligible for an elective office, a student (undergraduate or graduate) must be a regularly enrolled student.

###### (3) Obtaining Recognition for Organizations

(a) To be come an approved student organization, recognition must be granted from the Student Activities Board. Contact the Activities Center, 3rd Floor CUB.

(b) Before requesting recognition, the group must hold a meeting of interested persons to plan a program, draft a constitution, elect officers, and select an advisor. Constitutions normally include:

(i) Name of the organization

(ii) Purpose and Objectives

(iii) Qualifications for membership

(iv) Sources of financial support (e.g., dues, initiation fees, local and national aid, and financial projects)

(v) Description of offices including qualifications, duties and method of election

(vi) National-local affiliations and any financial obligation (to an affiliate) resulting therefrom

(vii) Parliamentary authority and method of amending the constitution

(viii) Adoption and amendment procedures

(ix) A description of the organization's safety program

(c) Washington State University will not recognize any student organization which denies membership to any student because of race, religion, sex, ethnic origin, or handicap. Recognized student organizations must insure that additional policies and procedures do not create de facto differentiation.

(d) Students who feel they have been denied membership in violation of regulation 3(c) above may appeal to the Student Activities Board.

###### (4) Requirements and Responsibilities of Recognized Organizations.

(a) Officers of organizations are responsible for seeing that the organization abides by University rules and regulations, concerning scheduling, financial projects, advertising, and other policies of the Student Activities Board.

(b) Recognized organizations must have an advisor (see WAC 504-28-020 Advisors)

(c) Funds must be deposited in the Controller's Office, which acts as a banking service.

(d) The following records must be kept current in the Student Activities Center:

- (i) Constitution and Bylaws
- (ii) Officer roster card
- (iii) Annual report (forms available in the Activities Center) including activities, accomplishments, and financial status.
- (iv) Financial Project Reports
- (e) Recognized organizations must have a safety program unless its activity has absolutely no risk to members or others.

(5) Privileges of Recognized Organizations

(a) Recognized organizations have the right to sponsor on-campus activities.

(b) Recognized student organizations may use University facilities and services through appropriate scheduling offices.

(c) The Activities Center Staff is available to serve approved organizations in all areas of concern.

(d) Free banking service is provided to approved organizations:

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**AMENDATORY SECTION** (Amending Order 77-2, filed 8/3/77)

**WAC 504-28-020 ADVISORS TO RECOGNIZED STUDENT ORGANIZATIONS.** (1) Advisors are members of the Washington State University faculty or staff or their designees whose interest in the group indicates that they would judiciously advise the organization concerning its goals, purposes, and procedures. Advisors guide the group in accordance with the purposes and ideals of the University and the organization. They do not directly control the group's programs and activities.

(2) Advisors assist the Activities Board to implement the policies for student organizations as set forth in the Activities Board Policies and Regulation Booklet.

(3) Responsibilities may include the following:

- (a) Attending the organization's meetings.
- (b) Assisting in planning the program.
- (c) Supervising the handling of funds and approving all expenditures and contracts.
- (d) Assisting in arranging for University facilities and equipment.

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**AMENDATORY SECTION** (Amending Order 77-2, filed 8/3/77)

**WAC 504-28-030 SCHEDULING OF EVENTS** (1) The Activities Center assists with the scheduling of events and programs by maintaining the Master Calendar and by Publishing the Fall and Spring Activities Calendar.

(a) Master Calendar - The Master Calendar is a continually updated calendar of campus events. Its use by all students, campus groups, faculty and staff can prevent program duplication and scheduling conflicts.

**Scheduling of Facilities**

(1) Recognized Student Groups schedule facilities by contacting the appropriate campus departments and/or buildings. The Activities Center will assist groups in determining who to contact.

(a) To schedule rooms in the Wilson Compton Union, clear with the First Floor Administrative Offices.

(b) For scheduling of departmental, faculty and student events for conferences and conventions involving people from off-campus, clear with the Office of University Relations (French Administration Building, Room 448).

(c) To schedule classrooms on campus, contact the Registrar's Office (French Administration Building, Room 346F, 335-9506).

(d) To schedule use of the Coliseum, contact Performing Arts Coliseum, Coliseum Director's Office, South Concourse, 335-3525.

(e) To schedule the Men's Gym, contact New Gym 104, 335-4593. To schedule the Women's Gym, contact Smith Tym 101, 335-251. (Scheduling of these gyms after 5 pm and on weekends is handled by Campus Recreation, CUB B-19).

(f) To schedule Kimbrough Hall and Bryan Auditorium, contact the Music Department, Kimbrough 101, 335-8524.

(g) To schedule R.R. Jones Theatre and Daggy Little Theatre, contact Daggy Hall, Room 251.

(h) For use of Special Services, contact Physical Plant, 335-4565. For use of lectures, lighting, P.A. set-ups and janitorial services, fill out the form "Request for Services for Special Events," available at the Physical Plant and Activities Center. This form must be authorized at the Activities Center before turning it into Physical Plant.

(2) Individuals and non-university groups must first contact the Facilities Use Committee to schedule University buildings and rooms. (The Executive Secretary of the Facilities Use Committee is the Director of University Relations, French 448, 335-4527.)

(3) Time Scheduling Recommendations

Most buildings and facilities on campus close by 2 am. Groups within their events to extend past this time should make arrangements with the appropriate scheduling office.

(4) Special Scheduling Information

(a) The Activities Center should be notified of speakers so that information will be included on the Master Calendar. The Center's staff is also available to advise and assist with appropriate forms, arrangements, publicity, etc.

(b) Any recognized student organization may sponsor political speakers on campus. All such groups should follow the normal procedure in scheduling.

(c) ASWSU may run concerts on a speculative basis. All other recognized student organizations may have concerts only if they have sufficient funds to back all concert expenses 100%. The Activities Center staff is available to assist in concert arrangements and contract negotiations.

(d) Committee meetings and social activities should be scheduled in facilities which are accessible to handicapped individuals.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**AMENDATORY SECTION** (Amending Order 77-2, filed 8/3/77)

**WAC 504-28-050 FINANCIAL PROJECTS** (1) Definition

(a) A financial project is any approved activity of a student organization which is undertaken to raise funds and/or to defray expenses. Projects may be for the benefit of organizations themselves or for charity groups.

(2) Approval

(a) The student Activities Board and/or its designated representative has been given the responsibility of approving all financial projects so that the following services can be provided:

- (1) planning advice
- (2) advertising and publicity assistance
- (3) facility and equipment arrangements
- (4) consumer protection

(b) The financial projects requested and the proposed budget must be completed and filed with the Activities Center in advance of the proposed date. Forms are available in the Activities Center. A report showing actual income and expenses of the financial project must be submitted to the Activities Center within two weeks after the event. The report must be certified by the personal signature of the president and advisor of the organization.

(c) For approval, the organization must have funds on hand to cover at least one third of the estimated expenses of a proposed financial project except in the case of concerts where the organization must have one hundred percent of the necessary funds to cover all expenses.

(d) Projects involving films are subject to additional Student Activities Board Policies. Copies of the policies are available in the Activities Center.

(e) Scholarship Fund Projects must be administered in accordance with University policy governing such funds. Sponsoring organizations

may reserve the right to select recipients and to establish the amount of grants in accordance with policies of the Student Financial Aids Office.

(f) Projects involving tables in the West Entrance of the CUB and on the Mall must also be scheduled in the CUB scheduling office. There shall be only one table per organization, available on a first come, first serve basis.

(g) Raffles are subject to state law. Contact the Activities Center for current regulations.

(h) The following actions are not acceptable:

(i) Retailing of student classroom books, supplies, and equipment by University departments, personnel, or students on the campus is prohibited.

(3) Additional Requirements

(a) All advertising and publicity for each project must include:

(1) the name of the sponsoring organization

(2) the product or service being sold and

(3) The purpose for which profits will be used.

(b) Any distributing, soliciting or selling must be done without individuals hawking or shouting.

(c) Individual students wishing to sell goods on campus must contact the Director of Safety, Safety Building.

**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 77-2, filed 8/3/77)

**WAC 504-28-060 ADVERTISING POLICIES.** The following policies apply to all advertising done on campus.

(1) Signs and posters

(a) All advertising in the CUB must have permission from the Activities Center. Sports Federation groups may obtain permission from Campus Recreation.

(b) All advertising announcements to be posted in other campus buildings should be confined to general bulletin boards. For use of other bulletin boards contact the appropriate department.

(c) No advertising should be taped to walls or other interior surfaces.

(d) All outdoor advertising is restricted to bulletin boards, the Kiosks, and the wall areas at the Bookie and the West Entrance of the CUB. All signs should include the date when they are to be removed. Signs put up at the West Entrance of the CUB should be stamped in the Activities Center.

(e) Banners may be displayed on the overhead walkways after securing permission from the Activities Center. They must be constructed of fabric, with air vents, and attached to the structure with rope or twine—tape and wire are not permitted.

(f) Free-standing signs may be placed on campus grounds and the mall with the approval of the Director of Physical Plant.

(g) No signs, handbills, or stickers are to be placed on trees or buildings other than the two places mentioned above. Paint or chalk must not be used on sidewalks or buildings.

(h) Before exhibits or displays are placed on the Mall, notification must be made to the Office of the Physically Impaired.

(i) It is the responsibility of the group to remove advertising within 24 hours after the event.

(2) Literature, Handbills and Notices

(a) Literature, handbills and notices may be distributed at any reasonable outdoor area on campus consistent with the orderly conduct of University affairs, the maintenance of University property, and the free flow of traffic and persons. Efforts must be made to avoid litter. Individuals or groups distributing are responsible for leaving the area clean, including all discarded handbills. Distribution by means of acosting individuals or by hawking is prohibited.

(3) Public Address System

(a) Requests for Public Address Systems require the signature of the faculty advisor.

(b) Systems are available through the Audio Visual Department.

(c) Use of systems

(1) Time of Use: Monday-Thursday, 5pm-7pm; and on Saturday 12 noon-7pm. (Exceptions may be made by the Student Activities Board.)

(2) Discreet and considerate use of public address systems in the vicinity of the hospital is expected.

(3) Public address systems on moving vehicles must have a police permit.

(4) Athletic Events

(a) All advertising at athletic events must be cleared through the Office of Intercollegiate Athletics.

(5) Advertising for Student Government

(a) Advertising for student government elections shall be according to the rules established by the ASWSU Election Board

(6) Advertising at registration must be approved by the Registrar.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 5, filed 9/26/72)

**WAC 504-32-010 RULES FOR USE OF THE MALL** (1) Recognized student organizations may schedule the Mall for activities that do not interfere with University functions or activities, disturb offices, classes, or study facilities, harm property, or block entrances into buildings.

(2) The Mall is scheduled through the Student Activities Board or its designee. Contact the Activities Center.

(3) The Mall may be used with amplified sound from 5pm-7pm Monday through Thursday and from noon to 7pm on Saturday. Other times may be arranged through the Student Activities Board.

(4) Sound amplification equipment (hand-held loudspeaker) may be checked out from the Campus Police Department, Safety Building, upon presentation of valid ID cards, which will be held by the Security Division until the equipment is returned. Other sound equipment is available through the Audio Visual Department.

(5) The Mall may be used by student organization fund raisers in accordance with previously stated rules and regulations. Any private or commercial use of the mall is prohibited.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-32-030 TABLES ON MALL.

WAC 504-32-050 SOLICITATION OF FUNDS.

#### AMENDATORY SECTION (Amending Order 75-1, filed 7/7/75)

**WAC 504-32-060 OUTDOOR DANCES, CONCERTS, CARNIVALS AND FAIRS** (1) Campus street dances and outdoor concerts may be sponsored by recognized student organizations. Requests for approval should be submitted to the Student Activities Board or its designee. Decisions on requests will be made after consultations with appropriate University Departments.

(2) All other organizations and individuals who wish to sponsor any of the above events must submit a written request to the Facility Use Committee.

(3) The sponsoring organization is responsible for repairing or reimbursing for any damage that might occur and for cleaning up litter.

**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 77-2, filed 8/3/77)

**WAC 504-36-030 SPECTATOR EVENTS—SAFETY RULES.** (1) Protection of the safety and general welfare of students, faculty, performers and officials, and members of the general public attending or participating in spectator events on the campus is a primary concern of Washington State University.

(2) The following rules of conduct are applicable to all public events of Washington State University, including specifically, but not limited to, Martin Stadium and the Performing Arts Coliseum and to all public areas of the facility wherein the event is held.

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or safety hazard for other spectators or participants is prohibited (WAC 504-20-010).

(b) Possession and/or consumption of alcoholic beverages is prohibited. Any such beverages found shall be removed by the possessor or delivered to the custody of designated university officials or their representatives upon request.

(c) Possession of any glass or metal beverage container, or any cooler, basket, knapsack, or other device used for carrying glass or metal beverage containers is prohibited: PROVIDED, That this rule shall not apply to personal canteens or thermos bottles or containers made for the purpose of carrying coffee, tea, hot chocolate, or similar hot drinks: AND PROVIDED FURTHER, That this rule shall not apply to approved vendors. Any such containers or devices prohibited by this rule shall be removed by the possessor or delivered to the custody of designated university officials or their representatives upon request. Designated officials may provide, but shall not be obligated to provide, a checking service for this purpose. Any checked items may be reclaimed by the owner within 30 minutes following the conclusion of the event. Any unclaimed items will be disposed of in accordance with state laws.

(d) Smoking is prohibited in areas designated as "no smoking."

(e) An individual is entitled to occupy only the seat for which he or she has the proper ticket.

(f) In non-reserved seating sections, blocks of seats will be pre-empted or saved.

(3) Where there is reasonable cause to believe that persons are, or are attempting to, violate the requirements identified in WAC 504-36-030(2), such person or persons will be denied license or privilege to enter or remain in or upon the premises, and designated officials may take necessary action to deny entry or to remove such persons from the premises.

Failure to vacate the premises upon request of designated university officials may result in subsequent legal process under the laws of the state of Washington.

(4) For purposes of WAC 504-36-030(1) and (2) designated officials include the president of the university, the executive vice president, and the following officials:

(a) Director of athletics for athletic events;

(b) Director of the coliseum for coliseum events;

(c) Director of student activities for events in the Compton Union Building;

(d) Chairman, Department of Speech, for events sponsored by the Department of Speech;

(e) Chairman, Department of Music, for events sponsored by the Department of Music;

(f) Director of the WSU Safety Division and the chief of the WSU Police Department;

(g) Officers of the WSU Police Department when (1) acting at the request of any of the above-named officials to enforce university regulations, or (2) enforcing state laws or local ordinances.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-04-190	AMD-P	80-02-054	16-231-005	NEW	80-03-038
4-04-300	NEW	80-02-140	16-231-010	NEW-P	80-02-066
4-04-310	NEW	80-02-140	16-231-010	NEW	80-03-038
4-12-110	NEW	80-02-140	16-231-015	NEW-P	80-02-066
4-20-140	AMD-P	80-02-165	16-231-015	NEW	80-03-038
16-86-055	NEW-P	80-02-168	16-231-020	NEW-P	80-02-066
16-86-055	NEW	80-04-061	16-231-020	NEW	80-03-038
16-101-400	REP-P	80-04-088	16-231-025	NEW-P	80-02-066
16-101-700	NEW-P	80-04-088	16-231-025	NEW	80-03-038
16-101-710	NEW-P	80-04-088	16-231-030	NEW-P	80-02-066
16-212-001	REP-P	80-04-115	16-231-030	NEW	80-03-038
16-212-00101	REP-P	80-04-115	16-231-035	NEW-P	80-02-066
16-212-002	REP-P	80-04-115	16-231-035	NEW	80-03-038
16-212-003	REP-P	80-04-115	16-231-100	NEW-P	80-02-063
16-212-0031	REP-P	80-04-115	16-231-100	NEW	80-03-037
16-212-004	REP-P	80-04-115	16-231-105	NEW-P	80-02-063
16-212-00401	REP-P	80-04-115	16-231-105	NEW	80-03-037
16-212-030	AMD-P	80-04-115	16-231-110	NEW-P	80-02-063
16-212-050	AMD-P	80-04-115	16-231-110	NEW	80-03-037
16-212-060	AMD-P	80-04-115	16-231-115	NEW	80-03-037
16-224-010	AMD-P	80-04-118	16-231-120	NEW-P	80-02-063
16-228-162	NEW-P	80-02-076	16-231-120	NEW	80-03-037
16-228-162	NEW	80-03-040	16-231-125	NEW-P	80-02-063
16-228-165	AMD-P	80-02-076	16-231-125	NEW	80-03-037
16-228-165	AMD	80-03-040	16-231-130	NEW-P	80-02-063
16-230-160	AMD-P	80-02-169	16-231-130	NEW	80-03-037
16-230-160	AMD-P	80-04-081	16-231-135	NEW-P	80-02-063
16-230-170	AMD-P	80-02-169	16-231-135	NEW	80-03-037
16-230-170	AMD-P	80-04-081	16-231-140	NEW-P	80-02-063
16-230-180	AMD-P	80-02-169	16-231-140	NEW	80-03-037
16-230-180	AMD-P	80-04-081	16-231-145	NEW-P	80-02-063
16-230-190	AMD-P	80-02-169	16-231-145	NEW	80-03-037
16-230-190	AMD-P	80-04-081	16-231-150	NEW-P	80-02-063
16-230-420	AMD-P	80-02-077	16-231-150	NEW	80-03-037
16-230-420	AMD	80-03-039	16-231-200	NEW-P	80-02-067
16-230-430	AMD-P	80-02-077	16-231-200	NEW	80-03-036
16-230-430	AMD	80-03-039	16-231-205	NEW-P	80-02-067
16-230-440	AMD-P	80-02-077	16-231-205	NEW	80-03-036
16-230-440	AMD	80-03-039	16-231-210	NEW-P	80-02-067
16-230-600	NEW-P	80-02-071	16-231-210	NEW	80-03-036
16-230-600	NEW	80-03-041	16-231-215	NEW-P	80-02-067
16-230-605	NEW-P	80-02-071	16-231-215	NEW	80-03-036
16-230-605	NEW	80-03-041	16-231-220	NEW-P	80-02-067
16-230-610	NEW-P	80-02-071	16-231-220	NEW	80-03-036
16-230-610	NEW	80-03-041	16-231-225	NEW-P	80-02-067
16-230-615	NEW-P	80-02-071	16-231-225	NEW	80-03-036
16-230-615	NEW	80-03-041	16-231-230	NEW-P	80-02-067
16-230-620	NEW-P	80-02-071	16-231-230	NEW	80-03-036
16-230-620	NEW	80-03-041	16-231-235	NEW-P	80-02-067
16-230-625	NEW-P	80-02-071	16-231-235	NEW	80-03-036
16-230-625	NEW	80-03-041	16-231-240	NEW-P	80-02-067
16-230-630	NEW-P	80-02-071	16-231-240	NEW	80-03-036
16-230-630	NEW	80-03-041	16-231-300	NEW-P	80-02-075
16-230-635	NEW-P	80-02-071	16-231-300	NEW	80-03-035
16-230-635	NEW	80-03-041	16-231-305	NEW-P	80-02-075
16-230-640	NEW-P	80-02-071	16-231-305	NEW	80-03-035
16-230-640	NEW	80-03-041	16-231-310	NEW-P	80-02-075
16-230-645	NEW-P	80-02-071	16-231-310	NEW	80-03-035
16-230-645	NEW	80-03-041	16-231-315	NEW-P	80-02-075
16-230-650	NEW-P	80-02-071	16-231-315	NEW	80-03-035
16-230-650	NEW	80-03-041	16-231-320	NEW-P	80-02-075
16-230-655	NEW-P	80-02-071	16-231-320	NEW	80-03-035
16-230-655	NEW	80-03-041	16-231-325	NEW-P	80-02-075
16-230-660	NEW-P	80-02-071	16-231-325	NEW	80-03-035
16-230-660	NEW	80-03-041	16-231-330	NEW-P	80-02-075
16-230-665	NEW-P	80-02-071	16-231-330	NEW	80-03-035
16-230-665	NEW	80-03-041	16-231-335	NEW-P	80-02-075
16-230-670	NEW-P	80-02-071	16-231-335	NEW	80-03-035
16-230-670	NEW	80-03-041	16-231-340	NEW-P	80-02-075
16-230-675	NEW-P	80-02-071	16-231-340	NEW	80-03-035
16-230-675	NEW	80-03-041	16-231-345	NEW-P	80-02-075
16-231-001	NEW-P	80-02-066	16-231-345	NEW	80-03-035
16-231-001	NEW	80-03-038	16-231-400	NEW-P	80-02-065
16-231-005	NEW-P	80-02-066	16-231-400	NEW	80-03-034
16-231-405	NEW-P	80-02-065	16-231-405	NEW	80-03-034
16-231-410	NEW-P	80-02-065	16-231-410	NEW	80-03-034
16-231-415	NEW-P	80-02-065	16-231-415	NEW	80-03-034
16-231-415	NEW	80-03-034	16-231-415	NEW	80-03-034
16-231-420	NEW-P	80-02-065	16-231-420	NEW-P	80-02-065
16-231-420	NEW	80-03-034	16-231-425	NEW-P	80-02-065
16-231-425	NEW-P	80-02-065	16-231-425	NEW	80-03-034
16-231-430	NEW-P	80-02-065	16-231-430	NEW-P	80-02-065
16-231-430	NEW	80-03-034	16-231-430	NEW	80-03-034
16-231-500	NEW-P	80-02-069	16-231-500	NEW-P	80-02-069
16-231-500	NEW	80-03-033	16-231-500	NEW	80-03-033
16-231-505	NEW-P	80-02-069	16-231-505	NEW-P	80-02-069
16-231-505	NEW	80-03-033	16-231-510	NEW-P	80-02-069
16-231-510	NEW-P	80-03-033	16-231-510	NEW	80-03-033
16-231-515	NEW-P	80-02-069	16-231-515	NEW-P	80-02-069
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16-231-520	NEW-P	80-02-069	16-231-520	NEW-P	80-02-069
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16-231-530	NEW	80-03-033	16-231-535	NEW	80-03-033
16-231-535	NEW-P	80-02-069	16-231-535	NEW	80-03-033
16-231-540	NEW-P	80-02-069	16-231-540	NEW-P	80-02-069
16-231-600	NEW-P	80-02-070	16-231-600	NEW-P	80-02-070
16-231-600	NEW	80-03-029	16-231-605	NEW-P	80-02-070
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16-231-610	NEW-P	80-02-070	16-231-610	NEW-P	80-02-070
16-231-610	NEW	80-03-029	16-231-610	NEW	80-03-029
16-231-615	NEW-P	80-02-070	16-231-615	NEW-P	80-02-070
16-231-615	NEW	80-03-029	16-231-615	NEW	80-03-029
16-231-620	NEW-P	80-02-070	16-231-620	NEW-P	80-02-070
16-231-620	NEW	80-03-029	16-231-620	NEW	80-03-029
16-231-625	NEW-P	80-02-070	16-231-625	NEW-P	80-02-070
16-231-625	NEW	80-03-029	16-231-625	NEW	80-03-029
16-231-700	NEW-P	80-02-064	16-231-700	NEW-P	80-02-064
16-231-700	NEW	80-03-027	16-231-700	NEW	80-03-027
16-231-705	NEW-P	80-02-064	16-231-705	NEW-P	80-02-064
16-231-705	NEW	80-03-027	16-231-710	NEW-P	80-02-064
16-231-710	NEW-P	80-02-064	16-231-710	NEW	80-03-027
16-231-710	NEW	80-03-027	16-231-715	NEW-P	80-02-064
16-231-715	NEW-P	80-02-064	16-231-715	NEW	80-03-027
16-231-715	NEW	80-03-027	16-231-720	NEW-P	80-02-064
16-231-720	NEW-P	80-02-064	16-231-720	NEW	80-03-027
16-231-720	NEW	80-03-027	16-231-725	NEW-P	80-02-064
16-231-725	NEW-P	80-02-064	16-231-725	NEW	80-03-027
16-231-730	NEW-P	80-02-064	16-231-730	NEW-P	80-02-064
16-231-730	NEW	80-03-027	16-231-730	NEW	80-03-027
16-231-800	NEW-P	80-02-073	16-231-800	NEW-P	80-02-073
16-231-800	NEW	80-03-028	16-231-800	NEW	80-03-028
16-231-805	NEW-P	80-02-073	16-231-805	NEW-P	80-02-073
16-231-805	NEW	80-03-028	16-231-805	NEW	80-03-028
16-231-810	NEW-P	80-02-073	16-231-810	NEW-P	80-02-073
16-231-810	NEW	80-03-028	16-231-810	NEW	80-03-028
16-231-815	NEW-P	80-02-073	16-231-815	NEW-P	80-02-073
16-231-815	NEW	80-03-028	16-231-815	NEW	80-03-028
16-231-820	NEW-P	80-02-073	16-231-820	NEW-P	80-02-073
16-231-820	NEW	80-03-028	16-231-820	NEW	80-03-028
16-231-825	NEW-P	80-02-073	16-231-825	NEW-P	80-02-073
16-231-825	NEW	80-03-028	16-231-825	NEW	80-03-028
16-231-830	NEW-P	80-02-073	16-231-830	NEW-P	80-02-073
16-231-830	NEW	80-03-028	16-231-830	NEW	80-03-028
16-231-835	NEW-P	80-02-073	16-231-835	NEW-P	80-02-073
16-231-835	NEW	80-03-028	16-231-835	NEW	80-03-028
16-231-840	NEW-P	80-02-073	16-231-840	NEW-P	80-02-073
16-231-840	NEW	80-03-028	16-231-840	NEW	80-03-028
16-231-845	NEW-P	80-02-073	16-231-845	NEW-P	80-02-073



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-231-845	NEW	80-03-028	16-316-445	AMD-P	80-04-129	18-46-040	REP-P	80-01-114
16-231-900	NEW-P	80-02-068	16-316-472	AMD-P	80-04-120	18-46-040	REP	80-03-071
16-231-900	NEW	80-03-031	16-316-478	AMD-P	80-04-120	18-46-050	REP-P	80-01-114
16-231-905	NEW-P	80-02-068	16-316-480	AMD-P	80-04-120	18-46-050	REP	80-03-071
16-231-905	NEW	80-03-031	16-316-525	AMD-P	80-04-119	18-52-021	AMD-E	80-02-011
16-231-910	NEW-P	80-02-068	16-316-545	AMD-P	80-04-119	18-52-021	AMD-P	80-02-097
16-231-910	NEW	80-03-031	16-316-622	AMD-P	80-04-122	18-52-021	AMD	80-04-048
16-231-915	NEW-P	80-02-068	16-316-695	AMD-P	80-04-121	18-52-041	AMD-E	80-02-011
16-231-915	NEW	80-03-031	16-316-715	AMD-P	80-04-121	18-52-041	AMD-P	80-02-097
16-231-920	NEW-P	80-02-068	16-316-800	AMD-P	80-04-124	18-52-041	AMD	80-04-048
16-231-920	NEW	80-03-031	16-316-810	AMD-P	80-04-124	18-52-050	REP-E	80-02-011
16-231-925	NEW-P	80-02-068	16-316-820	AMD-P	80-04-124	18-52-050	REP-P	80-02-097
16-231-925	NEW	80-03-031	16-316-830	AMD-P	80-04-124	18-52-050	REP	80-04-048
16-231-930	NEW-P	80-02-068	16-316-925	AMD-P	80-04-130	18-52-051	NEW-E	80-02-011
16-231-930	NEW	80-03-031	16-317-002	REP-P	80-04-131	18-52-051	NEW-P	80-02-097
16-231-935	NEW-P	80-02-068	16-317-040	AMD-P	80-04-131	18-52-051	NEW	80-04-048
16-231-935	NEW	80-03-031	16-317-050	AMD-P	80-04-131	18-52-056	NEW-E	80-02-011
16-231-940	NEW-P	80-02-068	16-317-060	AMD-P	80-04-131	18-52-056	NEW-P	80-02-097
16-231-940	NEW	80-03-031	16-317-080	AMD-P	80-04-131	18-52-056	NEW	80-04-048
16-232-001	NEW-P	80-02-074	16-317-090	NEW-P	80-04-131	18-52-071	AMD-E	80-02-011
16-232-001	NEW	80-03-026	16-318-040	AMD-P	80-04-114	18-52-076	REP-E	80-02-011
16-232-005	NEW-P	80-02-074	16-318-050	AMD-P	80-04-114	18-52-076	REP-P	80-02-097
16-232-005	NEW	80-03-026	16-318-060	AMD-P	80-04-114	18-52-076	REP	80-04-048
16-232-010	NEW-P	80-02-074	16-318-080	AMD-P	80-04-114	18-52-077	NEW-P	80-02-097
16-232-010	NEW	80-03-026	16-318-090	AMD-P	80-04-114	18-52-077	NEW	80-04-048
16-232-015	NEW-P	80-02-074	16-319-020	AMD-P	80-04-116	18-52-086	NEW-P	80-02-097
16-232-015	NEW	80-03-026	16-319-030	AMD-P	80-04-116	18-52-086	NEW	80-04-048
16-232-020	NEW-P	80-02-074	16-319-041	AMD-P	80-04-116	18-52-091	REP-P	80-02-097
16-232-020	NEW	80-03-026	16-319-051	AMD-P	80-04-116	18-52-091	REP-E	80-02-011
16-232-025	NEW-P	80-02-074	16-319-061	AMD-P	80-04-116	18-52-091	REP	80-04-048
16-232-025	NEW	80-03-026	16-321-001	NEW-P	80-04-117	25-12-010	NEW-E	80-02-081
16-232-030	NEW-P	80-02-074	16-321-010	NEW-P	80-04-117	25-12-010	NEW-P	80-02-084
16-232-030	NEW	80-03-026	16-321-020	NEW-P	80-04-117	25-12-010	NEW-P	80-04-007
16-232-035	NEW-P	80-02-074	16-321-030	NEW-P	80-04-117	25-12-020	NEW-E	80-02-081
16-232-035	NEW	80-03-026	16-321-040	NEW-P	80-04-117	25-12-020	NEW-P	80-02-084
16-232-040	NEW-P	80-02-074	16-321-050	NEW-P	80-04-117	25-12-020	NEW-P	80-04-007
16-232-040	NEW	80-03-026	16-321-060	NEW-P	80-04-117	25-12-030	NEW-E	80-02-081
16-232-100	NEW-P	80-02-072	16-321-070	NEW-P	80-04-117	25-12-030	NEW-P	80-02-084
16-232-100	NEW	80-03-030	16-321-080	NEW-P	80-04-117	25-12-030	NEW-P	80-04-007
16-232-105	NEW-P	80-02-072	16-321-090	NEW-P	80-04-117	25-12-040	NEW-E	80-02-081
16-232-105	NEW	80-03-030	16-321-100	NEW-P	80-04-117	25-12-040	NEW-P	80-02-084
16-232-110	NEW-P	80-02-072	16-321-110	NEW-P	80-04-117	25-12-040	NEW-P	80-04-007
16-232-110	NEW	80-03-030	16-321-120	NEW-P	80-04-117	25-12-050	NEW-E	80-02-081
16-232-115	NEW-P	80-02-072	16-494-040	AMD-P	80-04-125	25-12-050	NEW-P	80-02-084
16-232-115	NEW	80-03-030	16-495-085	AMD-P	80-04-123	25-12-050	NEW-P	80-04-007
16-232-120	NEW-P	80-02-072	16-512-030	AMD	80-03-019	25-12-060	NEW-P	80-04-007
16-232-120	NEW	80-03-030	16-532-040	AMD-P	80-02-157	25-12-070	NEW-P	80-04-007
16-232-125	NEW-P	80-02-072	16-560-06001	AMD-P	80-02-159	25-18-010	NEW-P	80-02-082
16-232-125	NEW	80-03-030	16-561-040	AMD-P	80-02-158	25-18-020	NEW-P	80-02-082
16-232-130	NEW-P	80-02-072	16-750-010	AMD	80-03-075	25-18-030	NEW-P	80-02-082
16-232-130	NEW	80-03-030	18-32-009	REP-P	80-01-114	25-18-040	NEW-P	80-02-082
16-232-200	NEW-P	80-02-078	18-32-009	REP	80-03-071	25-18-050	NEW-P	80-02-082
16-232-200	NEW	80-03-032	18-32-010	REP-P	80-01-114	25-18-060	NEW-P	80-02-082
16-232-205	NEW-P	80-02-078	18-32-010	REP	80-03-071	25-18-070	NEW-P	80-02-082
16-232-205	NEW	80-03-032	18-32-020	REP-P	80-01-114	25-18-080	NEW-P	80-02-082
16-232-210	NEW-P	80-02-078	18-32-020	REP	80-03-071	25-18-090	NEW-P	80-02-082
16-232-210	NEW	80-03-032	18-32-030	REP-P	80-01-114	25-18-100	NEW-P	80-02-082
16-232-215	NEW-P	80-02-078	18-32-030	REP	80-03-071	25-18-110	NEW-P	80-02-082
16-232-215	NEW	80-03-032	18-32-040	REP-P	80-01-114	25-18-120	NEW-P	80-02-082
16-232-220	NEW-P	80-02-078	18-32-040	REP	80-03-071	25-18-130	NEW-P	80-02-082
16-232-220	NEW	80-03-032	18-32-050	REP-P	80-01-114	25-24-010	NEW-E	80-02-083
16-232-225	NEW-P	80-02-078	18-32-050	REP	80-03-071	25-24-010	NEW-P	80-02-085
16-232-225	NEW	80-03-032	18-32-060	REP-P	80-01-114	25-24-020	NEW-E	80-02-083
16-232-230	NEW-P	80-02-078	18-32-060	REP	80-03-071	25-24-020	NEW-P	80-02-085
16-232-230	NEW	80-03-032	18-32-990	REP-P	80-01-114	25-24-030	NEW-E	80-02-083
16-304-040	AMD-P	80-04-136	18-32-990	REP	80-03-071	25-24-030	NEW-P	80-02-085
16-304-050	AMD-P	80-04-136	18-32-99001	REP-P	80-01-114	25-24-040	NEW-E	80-02-083
16-304-110	AMD-P	80-03-100	18-32-99001	REP	80-03-071	25-24-040	NEW-P	80-02-085
16-304-130	AMD-P	80-03-100	18-46-010	REP-P	80-01-114	25-24-050	NEW-E	80-02-083
16-316-035	AMD-P	80-04-126	18-46-010	REP	80-03-071	25-24-050	NEW-P	80-02-085
16-316-0451	AMD-P	80-04-126	18-46-020	REP-P	80-01-114	25-24-060	NEW-E	80-02-083
16-316-0601	AMD-P	80-04-126	18-46-020	REP	80-03-071	25-24-060	NEW-P	80-02-085
16-316-235	AMD-P	80-04-128	18-46-030	REP-P	80-01-114	25-24-070	NEW-E	80-02-083
16-316-270	AMD-P	80-04-127	18-46-030	REP	80-03-071	25-24-070	NEW-P	80-02-085



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132L-112-290	NEW	80-04-060	132V-23-020	NEW-E	80-02-107	173-19-2206	NEW	80-02-123
132L-117-010	NEW-E	80-03-012	132V-23-030	NEW-E	80-02-107	173-19-2207	NEW	80-02-123
132L-117-020	NEW-E	80-03-012	132V-23-040	NEW-E	80-02-107	173-19-2208	NEW	80-02-123
132L-117-030	NEW-E	80-03-012	132V-23-050	NEW-E	80-02-107	173-19-230	AMD	80-02-123
132L-117-040	NEW-E	80-03-012	132V-23-060	NEW-E	80-02-107	173-19-2301	NEW	80-02-123
132L-117-050	NEW-E	80-03-012	132V-23-070	NEW-E	80-02-107	173-19-2302	NEW	80-02-123
132L-117-060	NEW-E	80-03-012	132V-23-080	NEW-E	80-02-107	173-19-2303	NEW	80-02-123
132L-117-070	NEW-E	80-03-012	132W-104-040	AMD-P	80-03-022	173-19-240	AMD	80-02-123
132L-117-080	NEW-E	80-03-012	136-11-010	NEW	80-02-105	173-19-2401	NEW	80-02-123
132L-117-090	NEW-E	80-03-012	136-11-020	NEW	80-02-105	173-19-250	AMD	80-02-123
132L-117-100	NEW-E	80-03-012	136-11-030	NEW	80-02-105	173-19-2501	NEW	80-02-123
132L-117-110	NEW-E	80-03-012	173-14-060	AMD-P	80-02-172	173-19-2502	NEW	80-02-123
132L-117-120	NEW-E	80-03-012	173-14-060	AMD	80-04-027	173-19-2503	NEW	80-02-123
132L-117-130	NEW-E	80-03-012	173-19-030	AMD	80-02-123	173-19-2504	NEW	80-02-123
132L-117-140	NEW-E	80-03-012	173-19-060	AMD	80-02-123	173-19-2505	NEW	80-02-123
132L-117-150	NEW-E	80-03-012	173-19-062	NEW	80-02-123	173-19-2506	NEW	80-02-123
132L-117-160	NEW-E	80-03-012	173-19-064	NEW	80-02-123	173-19-2507	NEW	80-02-123
132L-117-170	NEW-E	80-03-012	173-19-080	AMD	80-02-123	173-19-2508	NEW	80-02-123
132L-117-180	NEW-E	80-03-012	173-19-100	AMD	80-02-123	173-19-2509	NEW	80-02-123
132L-117-190	NEW-E	80-03-012	173-19-1001	NEW	80-02-123	173-19-2510	NEW	80-02-123
132L-117-200	NEW-E	80-03-012	173-19-1002	NEW	80-02-123	173-19-2511	NEW	80-02-123
132L-117-210	NEW-E	80-03-012	173-19-110	AMD	80-02-123	173-19-2512	NEW	80-02-123
132L-117-220	NEW-E	80-03-012	173-19-1101	NEW	80-02-123	173-19-2513	NEW	80-02-123
132L-117-230	NEW-E	80-03-012	173-19-1102	NEW	80-02-123	173-19-2514	NEW	80-02-123
132L-117-240	NEW-E	80-03-012	173-19-1103	NEW	80-02-123	173-19-2515	NEW	80-02-123
132L-520-010	REP	80-04-009	173-19-1104	NEW	80-02-123	173-19-2516	NEW	80-02-123
132L-520-020	REP	80-04-009	173-19-1105	NEW	80-02-123	173-19-2517	NEW	80-02-123
132L-520-030	REP	80-04-009	173-19-120	AMD	80-02-123	173-19-2518	NEW	80-02-123
132L-520-040	REP	80-04-009	173-19-1201	NEW	80-02-123	173-19-2519	NEW	80-02-123
132L-520-050	REP	80-04-009	173-19-1202	NEW	80-02-123	173-19-2520	NEW	80-02-123
132L-520-060	REP	80-04-009	173-19-1203	NEW	80-02-123	173-19-2521	NEW	80-02-123
132L-520-070	REP	80-04-009	173-19-1204	NEW	80-02-123	173-19-2522	NEW	80-02-123
132L-520-080	REP	80-04-009	173-19-1205	NEW	80-02-123	173-19-2523	NEW	80-02-123
132L-520-090	REP	80-04-009	173-19-130	AMD	80-02-123	173-19-2524	NEW	80-02-123
132L-520-100	REP	80-04-009	173-19-1301	NEW	80-02-123	173-19-2525	NEW	80-02-123
132L-520-110	REP	80-04-009	173-19-140	AMD	80-02-123	173-19-260	AMD	80-02-123
132L-520-120	REP	80-04-009	173-19-1401	NEW	80-02-123	173-19-2601	NEW	80-02-123
132L-520-130	REP	80-04-009	173-19-1402	NEW	80-02-123	173-19-2602	NEW	80-02-123
132L-520-140	REP	80-04-009	173-19-1403	NEW	80-02-123	173-19-2603	NEW	80-02-123
132L-520-150	REP	80-04-009	173-19-1404	NEW	80-02-123	173-19-2604	NEW	80-02-123
132L-520-160	REP	80-04-009	173-19-1405	NEW	80-02-123	173-19-270	AMD	80-02-123
132L-520-170	REP	80-04-009	173-19-150	AMD	80-02-123	173-19-2701	NEW	80-02-123
132L-522-010	REP	80-04-009	173-19-1501	NEW	80-02-123	173-19-2702	NEW	80-02-123
132L-522-020	REP	80-04-009	173-19-1502	NEW	80-02-123	173-19-2703	NEW	80-02-123
132L-522-030	REP	80-04-009	173-19-160	AMD	80-02-123	173-19-280	AMD	80-02-123
132L-522-040	REP	80-04-009	173-19-160	AMD-P	80-02-173	173-19-2801	NEW	80-02-123
132L-522-050	REP	80-04-009	173-19-1601	NEW	80-02-123	173-19-2802	NEW	80-02-123
132L-522-060	REP	80-04-009	173-19-1602	NEW	80-02-123	173-19-2803	NEW	80-02-123
132L-522-070	REP	80-04-009	173-19-1603	NEW	80-02-123	173-19-290	AMD	80-02-123
132L-522-080	REP	80-04-009	173-19-1603	AMD	80-04-026	173-19-2901	NEW	80-02-123
132L-524-010	REP	80-04-009	173-19-1604	NEW	80-02-123	173-19-2902	NEW	80-02-123
132L-524-020	REP	80-04-009	173-19-1605	NEW	80-02-123	173-19-2903	NEW	80-02-123
132L-524-030	REP	80-04-009	173-19-1605	AMD	80-04-026	173-19-2904	NEW	80-02-123
132L-524-040	REP	80-04-009	173-19-170	AMD	80-02-123	173-19-2905	NEW	80-02-123
132L-524-050	REP	80-04-009	173-19-1701	NEW	80-02-123	173-19-2906	NEW	80-02-123
132L-524-060	REP	80-04-009	173-19-1702	NEW	80-02-123	173-19-2907	NEW	80-02-123
132L-524-070	REP	80-04-009	173-19-1703	NEW	80-02-123	173-19-300	AMD	80-02-123
132L-524-080	REP	80-04-009	173-19-180	AMD	80-02-123	173-19-3001	NEW	80-02-123
132L-524-090	REP	80-04-009	173-19-1801	NEW	80-02-123	173-19-3002	NEW	80-02-123
132P-104-010	REP-P	80-03-045	173-19-190	AMD	80-02-123	173-19-310	AMD	80-02-123
132P-104-011	REP-P	80-03-045	173-19-1901	NEW	80-02-123	173-19-310	AMD-P	80-03-117
132P-104-012	REP-P	80-03-045	173-19-210	AMD	80-02-123	173-19-3101	NEW	80-02-123
132P-104-020	REP-P	80-03-045	173-19-2101	NEW	80-02-123	173-19-320	AMD	80-02-123
132P-104-030	REP-P	80-03-045	173-19-2102	NEW	80-02-123	173-19-3201	NEW	80-02-123
132P-104-031	REP-P	80-03-045	173-19-2103	NEW	80-02-123	173-19-3202	NEW	80-02-123
132P-104-032	REP-P	80-03-045	173-19-2104	NEW	80-02-123	173-19-3203	NEW	80-02-123
132P-104-040	REP-P	80-03-045	173-19-220	AMD	80-02-123	173-19-3204	NEW	80-02-123
132P-104-045	REP-P	80-03-045	173-19-220	AMD-P	80-04-140	173-19-3205	NEW	80-02-123
132P-104-050	REP-P	80-03-045	173-19-2201	NEW	80-02-123	173-19-3206	NEW	80-02-123
132P-104-060	REP-P	80-03-045	173-19-2202	NEW	80-02-123	173-19-3207	NEW	80-02-123
132P-104-070	REP-P	80-03-045	173-19-2203	NEW	80-02-123	173-19-3208	NEW	80-02-123
132S-197-010	NEW	80-03-014	173-19-2204	NEW	80-02-123	173-19-3209	NEW	80-02-123
132S-197-012	NEW	80-03-014	173-19-2204	AMD-P	80-04-140	173-19-3210	NEW	80-02-123
132V-23-010	NEW-E	80-02-107	173-19-2205	NEW	80-02-123	173-19-330	AMD	80-02-123

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-19-3301	NEW	80-02-123	173-19-4204	NEW	80-02-123	173-422-020	NEW	80-03-070
173-19-3302	NEW	80-02-123	173-19-4205	NEW	80-02-123	173-422-030	NEW	80-03-070
173-19-3303	NEW	80-02-123	173-19-4206	NEW	80-02-123	173-422-040	NEW	80-03-070
173-19-3304	NEW	80-02-123	173-19-430	AMD	80-02-123	173-422-050	NEW	80-03-070
173-19-340	AMD	80-02-123	173-19-430	AMD-P	80-02-173	173-422-060	NEW	80-03-070
173-19-3401	NEW	80-02-123	173-19-430	AMD	80-04-026	173-422-070	NEW	80-03-070
173-19-3402	NEW	80-02-123	173-19-4301	NEW	80-02-123	173-422-080	NEW	80-03-070
173-19-3403	NEW	80-02-123	173-19-4301	NEW	80-02-123	173-422-090	NEW	80-03-070
173-19-3404	NEW	80-02-123	173-19-4401	NEW	80-02-123	173-422-100	NEW	80-03-070
173-19-3405	NEW	80-02-123	173-19-4402	NEW	80-02-123	173-422-110	NEW	80-03-070
173-19-350	AMD	80-02-123	173-19-450	AMD	80-02-123	173-422-120	NEW	80-03-070
173-19-350	AMD-P	80-02-173	173-19-4501	NEW	80-02-123	173-422-130	NEW	80-03-070
173-19-3501	NEW	80-02-123	173-19-4502	NEW	80-02-123	173-422-140	NEW	80-03-070
173-19-3502	NEW	80-02-123	173-19-4503	NEW	80-02-123	173-422-150	NEW	80-03-070
173-19-3503	NEW	80-02-123	173-19-4504	NEW	80-02-123	173-422-160	NEW	80-03-070
173-19-3504	NEW	80-02-123	173-19-4505	NEW	80-02-123	173-422-170	NEW	80-03-070
173-19-3505	NEW	80-02-123	173-19-4506	NEW	80-02-123	173-422-180	NEW	80-03-070
173-19-3506	NEW	80-02-123	173-19-4507	NEW	80-02-123	173-475-010	NEW-P	80-01-114
173-19-3507	NEW	80-02-123	173-19-460	AMD	80-02-123	173-475-010	NEW	80-03-071
173-19-3508	NEW	80-02-123	173-19-4601	NEW	80-02-123	173-475-020	NEW-P	80-01-114
173-19-3509	NEW	80-02-123	173-19-4602	NEW	80-02-123	173-475-020	NEW	80-03-071
173-19-3510	NEW	80-02-123	173-19-4603	NEW	80-02-123	173-475-030	NEW-P	80-01-114
173-19-3511	NEW	80-02-123	173-19-4604	NEW	80-02-123	173-475-030	NEW	80-03-071
173-19-3512	NEW	80-02-123	173-19-4605	NEW	80-02-123	173-475-040	NEW-P	80-01-114
173-19-3513	NEW	80-02-123	173-19-4606	NEW	80-02-123	173-475-040	NEW	80-03-071
173-19-3514	NEW	80-02-123	173-19-4607	NEW	80-02-123	173-475-050	NEW-P	80-01-114
173-19-3514	AMD	80-04-026	173-19-470	AMD	80-02-123	173-475-050	NEW	80-03-071
173-19-3515	NEW	80-02-123	173-19-4701	NEW	80-02-123	173-510-010	NEW	80-04-047
173-19-360	AMD	80-02-123	173-19-4702	NEW	80-02-123	173-510-020	NEW	80-04-047
173-19-3601	NEW	80-02-123	173-19-4703	NEW	80-02-123	173-510-030	NEW	80-04-047
173-19-370	AMD	80-02-123	173-19-4704	NEW	80-02-123	173-510-040	NEW	80-04-047
173-19-370	AMD-P	80-03-117	173-19-4705	NEW	80-02-123	173-510-050	NEW	80-04-047
173-19-3701	NEW	80-02-123	173-19-4706	NEW	80-02-123	173-510-060	NEW	80-04-047
173-19-3702	NEW	80-02-123	173-19-4707	NEW	80-02-123	173-510-070	NEW	80-04-047
173-19-3703	NEW	80-02-123	173-134-150	REP	80-02-025	173-510-080	NEW	80-04-047
173-19-3704	NEW	80-02-123	173-405-021	AMD-E	80-02-012	173-510-090	NEW	80-04-047
173-19-3705	NEW	80-02-123	173-405-021	AMD-P	80-02-095	173-510-100	NEW	80-04-047
173-19-3706	NEW	80-02-123	173-405-021	AMD	80-04-049	173-513-010	NEW-P	80-04-139
173-19-380	AMD	80-02-123	173-405-033	NEW-E	80-02-012	173-513-020	NEW-P	80-04-139
173-19-3801	NEW	80-02-123	173-405-033	NEW-P	80-02-095	173-513-030	NEW-P	80-04-139
173-19-3802	NEW	80-02-123	173-405-033	NEW	80-04-049	173-513-040	NEW-P	80-04-139
173-19-390	AMD	80-02-123	173-405-071	AMD-E	80-02-012	173-513-050	NEW-P	80-04-139
173-19-3901	NEW	80-02-123	173-405-076	REP-E	80-02-012	173-513-060	NEW-P	80-04-139
173-19-3902	NEW	80-02-123	173-405-076	REP-P	80-02-095	173-513-070	NEW-P	80-04-139
173-19-3903	NEW	80-02-123	173-405-076	REP	80-04-049	173-513-080	NEW-P	80-04-139
173-19-3903	AMD-P	80-04-140	173-405-077	NEW-P	80-02-095	173-513-090	NEW-P	80-04-139
173-19-3904	NEW	80-02-123	173-405-077	NEW	80-04-049	173-513-100	NEW-P	80-04-139
173-19-3905	NEW	80-02-123	173-405-078	NEW-P	80-02-095	173-531-010	REP-P	80-01-112
173-19-3906	NEW	80-02-123	173-405-078	NEW	80-04-049	173-531-020	REP-P	80-01-112
173-19-3907	NEW	80-02-123	173-405-081	REP-E	80-02-012	173-531-030	REP-P	80-01-112
173-19-3908	NEW	80-02-123	173-405-081	REP-P	80-02-095	173-531-040	REP-P	80-01-112
173-19-3909	NEW	80-02-123	173-405-081	REP	80-04-049	173-531-050	REP-P	80-01-112
173-19-3910	NEW	80-02-123	173-405-086	NEW-E	80-02-012	173-531-060	REP-P	80-01-112
173-19-3911	NEW	80-02-123	173-405-086	NEW-P	80-02-095	173-531-070	REP-P	80-01-112
173-19-3912	NEW	80-02-123	173-405-086	NEW	80-04-049	173-563-010	NEW-P	80-01-113
173-19-3913	NEW	80-02-123	173-410-021	AMD-E	80-02-013	173-563-020	NEW-P	80-01-113
173-19-3913	AMD-P	80-04-140	173-410-021	AMD-P	80-02-096	173-563-030	NEW-P	80-01-113
173-19-3914	NEW	80-02-123	173-410-021	AMD	80-04-050	173-563-040	NEW-P	80-01-113
173-19-3915	NEW	80-02-123	173-410-033	NEW-E	80-02-013	173-563-050	NEW-P	80-01-113
173-19-3916	NEW	80-02-123	173-410-066	AMD-E	80-02-013	173-563-060	NEW-P	80-01-113
173-19-400	AMD	80-02-123	173-410-066	REP-P	80-02-096	173-563-070	NEW-P	80-01-113
173-19-4001	NEW	80-02-123	173-410-066	REP	80-04-050	173-563-080	NEW-P	80-01-113
173-19-4002	NEW	80-02-123	173-410-067	NEW-P	80-02-096	173-563-090	NEW-P	80-01-113
173-19-4003	NEW	80-02-123	173-410-067	NEW	80-04-050	173-563-900	NEW-P	80-01-113
173-19-4004	NEW	80-02-123	173-410-071	NEW-E	80-02-013	173-563-901	NEW-P	80-01-113
173-19-4005	NEW	80-02-123	173-410-071	NEW-P	80-02-096	174-112-465	NEW-P	80-03-086
173-19-4006	NEW	80-02-123	173-410-071	NEW	80-04-050	174-116-115	AMD-P	80-03-086
173-19-410	AMD	80-02-123	173-410-081	REP-E	80-02-013	174-162-330	NEW-P	80-03-086
173-19-4101	NEW	80-02-123	173-410-081	REP-P	80-02-096	180-10-001	NEW-P	80-04-097
173-19-4102	NEW	80-02-123	173-410-081	REP	80-04-050	180-10-003	NEW-P	80-04-097
173-19-420	AMD	80-02-123	173-410-086	NEW-E	80-02-013	180-10-005	NEW-P	80-04-097
173-19-4201	NEW	80-02-123	173-410-086	NEW-P	80-02-096	180-10-010	NEW-P	80-04-097
173-19-4202	NEW	80-02-123	173-410-086	NEW	80-04-050	180-16-220	AMD-P	80-04-098
173-19-4203	NEW	80-02-123	173-422-010	NEW	80-03-070	180-16-225	AMD-P	80-04-098

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-30-071	NEW-P	80-04-099	204-66-060	AMD	80-02-093	220-56-02000A	NEW-E	80-03-053
180-30-100	AMD-P	80-04-099	204-66-060	AMD-P	80-04-080	220-56-02000A	REP-E	80-04-094
180-30-116	NEW-P	80-04-099	204-66-160	AMD-P	80-04-080	220-56-021	REP	80-03-064
180-30-800	NEW	80-02-145	204-66-170	AMD-P	80-04-080	220-56-022	REP	80-03-064
180-30-805	NEW	80-02-145	204-70	NEW-P	80-02-092	220-56-023	REP	80-03-064
180-30-805	AMD-E	80-04-102	204-70-010	NEW	80-03-069	220-56-030	REP	80-03-064
180-30-805	AMD-P	80-04-099	204-70-020	NEW	80-03-069	220-56-040	REP	80-03-064
180-30-807	NEW	80-02-145	204-70-030	NEW	80-03-069	220-56-050	REP	80-03-064
180-30-807	AMD-E	80-04-102	204-70-040	NEW	80-03-069	220-56-05000B	NEW-E	80-02-126
180-30-807	AMD-P	80-04-099	204-70-050	NEW	80-03-069	220-56-05000B	REP-E	80-04-094
180-30-810	NEW	80-02-145	204-70-060	NEW	80-03-069	220-56-060	REP	80-03-064
180-30-810	AMD-E	80-04-102	204-70-070	NEW	80-03-069	220-56-063	REP	80-03-064
180-30-810	AMD-P	80-04-099	204-70-080	NEW	80-03-069	220-56-064	REP	80-03-064
180-30-815	NEW	80-02-145	204-70-090	NEW	80-03-069	220-56-065	REP	80-03-064
180-30-820	NEW	80-02-145	204-70-100	NEW	80-03-069	220-56-070	REP	80-03-064
180-30-825	NEW	80-02-145	204-70-120	NEW	80-03-069	220-56-071	REP	80-03-064
180-30-825	AMD-P	80-04-099	204-70-99001	NEW	80-03-069	220-56-072	REP	80-03-064
180-30-825	AMD-E	80-04-102	204-70-99002	NEW	80-03-069	220-56-073	REP	80-03-064
180-30-830	NEW	80-02-145	204-70-99003	NEW	80-03-069	220-56-074	REP	80-03-064
180-30-830	AMD-P	80-04-099	204-70-99004	NEW	80-03-069	220-56-080	REP	80-03-064
180-30-830	AMD-E	80-04-102	204-70-99005	NEW	80-03-069	220-56-082	REP	80-03-064
180-30-835	NEW	80-02-145	204-990	REP	80-03-068	220-56-084	REP	80-03-064
180-30-835	AMD-P	80-04-099		(PART)		220-56-086	REP	80-03-064
180-30-835	AMD-E	80-04-102	220-22-030	AMD-P	80-02-177	220-56-088	REP	80-03-064
180-30-840	NEW	80-02-145	220-22-030	AMD	80-04-070	220-56-090	REP	80-03-064
180-30-840	AMD-P	80-04-099	220-28-00400G	NEW-E	80-04-078	220-56-092	REP	80-03-064
180-30-840	AMD-E	80-04-102	220-28-007F0J	REP-E	80-02-056	220-56-100	NEW	80-03-064
180-30-845	NEW	80-02-145	220-28-012F0E	REP-E	80-02-127	220-56-105	NEW	80-03-064
180-30-845	AMD-P	80-04-099	220-28-012G0A	REP-E	80-02-014	220-56-110	NEW	80-03-064
180-30-845	AMD-E	80-04-102	220-28-012H0A	REP-E	80-02-127	220-56-115	NEW	80-03-064
180-43-005	NEW	80-02-146	220-28-01300P	REP-E	80-02-014	220-56-120	NEW	80-03-064
180-43-010	NEW	80-02-146	220-28-01300Q	NEW-E	80-02-043	220-56-125	NEW	80-03-064
180-43-015	NEW	80-02-146	220-28-013G0F	REP-E	80-02-014	220-56-128	NEW	80-03-064
180-56-031	AMD	80-02-147	220-28-013G0G	NEW-E	80-02-043	220-56-130	NEW	80-03-064
180-75-030	AMD-P	80-04-100	220-28-013G0G	REP-E	80-03-016	220-56-135	NEW	80-03-064
180-75-040	AMD-P	80-04-100	220-32-02200D	NEW-E	80-03-056	220-56-140	NEW	80-03-064
180-75-045	AMD-P	80-04-100	220-32-03000U	NEW-E	80-03-056	220-56-145	NEW	80-03-064
180-75-050	AMD-P	80-04-100	220-32-03600C	NEW-E	80-03-056	220-56-150	NEW	80-03-064
180-75-061	NEW-P	80-04-100	220-32-04000G	NEW-E	80-02-125	220-56-155	NEW	80-03-064
180-75-065	AMD-P	80-04-100	220-32-04000G	REP-E	80-03-056	220-56-160	NEW	80-03-064
180-75-070	AMD-P	80-04-100	220-32-04000H	NEW-E	80-03-056	220-56-165	NEW	80-03-064
180-75-075	AMD-P	80-04-100	220-32-05100M	NEW-E	80-02-125	220-56-175	NEW	80-03-064
180-75-085	AMD-P	80-04-100	220-32-05700F	NEW-E	80-02-125	220-56-180	NEW	80-03-064
180-75-090	AMD-P	80-04-100	220-48-08000B	NEW-E	80-03-061	220-56-185	NEW	80-03-064
180-75-100	AMD-P	80-04-100	220-48-09100B	NEW-E	80-02-044	220-56-190	NEW	80-03-064
180-79-010	AMD-P	80-04-101	220-48-09600D	NEW-E	80-03-080	220-56-195	NEW	80-03-064
180-79-045	AMD-P	80-04-101	220-48-09600D	REP-E	80-04-063	220-56-200	NEW	80-03-064
180-79-060	AMD-P	80-04-101	220-48-09600E	NEW-E	80-04-063	220-56-205	NEW	80-03-064
180-79-065	AMD-P	80-04-101	220-48-09800B	NEW-E	80-04-020	220-56-210	NEW	80-03-064
180-79-100	AMD-P	80-04-101	220-49-02000E	NEW-E	80-03-053	220-56-215	NEW	80-03-064
180-79-115	AMD-P	80-04-101	220-49-02000E	REP-E	80-04-094	220-56-220	NEW	80-03-064
180-79-120	AMD-P	80-04-101	220-49-05600A	NEW-E	80-03-053	220-56-225	NEW	80-03-064
180-79-125	AMD-P	80-04-101	220-49-05600A	REP-E	80-04-094	220-56-235	NEW	80-03-064
180-79-245	AMD-P	80-04-101	220-55	NEW-P	80-02-045	220-56-240	NEW	80-03-064
180-79-250	AMD-P	80-04-101	220-55-070	NEW	80-03-064	220-56-245	NEW	80-03-064
182-12-115	AMD-P	80-02-148	220-55-075	NEW	80-03-064	220-56-250	NEW	80-03-064
182-12-115	AMD-E	80-03-007	220-55-080	NEW	80-03-064	220-56-255	NEW	80-03-064
182-12-122	AMD-P	80-02-148	220-55-085	NEW	80-03-064	220-56-260	NEW	80-03-064
182-12-122	AMD-E	80-03-007	220-55-090	NEW	80-03-064	220-56-265	NEW	80-03-064
182-12-130	AMD-P	80-02-148	220-55-095	NEW	80-03-064	220-56-270	NEW	80-03-064
182-12-130	AMD-E	80-03-007	220-55-100	NEW	80-03-064	220-56-275	NEW	80-03-064
182-12-132	NEW-P	80-02-148	220-55-105	NEW	80-03-064	220-56-280	NEW	80-03-064
182-12-132	NEW-E	80-03-007	220-55-110	NEW	80-03-064	220-56-285	NEW	80-03-064
182-12-135	REP-P	80-02-148	220-55-115	NEW	80-03-064	220-56-290	NEW	80-03-064
182-12-135	REP-E	80-03-007	220-55-120	NEW	80-03-064	220-56-295	NEW	80-03-064
182-12-190	AMD-P	80-02-148	220-55-125	NEW	80-03-064	220-56-300	NEW	80-03-064
182-12-190	AMD-E	80-03-007	220-55-130	NEW	80-03-064	220-56-305	NEW	80-03-064
192-12-041	NEW	80-02-034	220-55-135	NEW	80-03-064	220-56-310	NEW	80-03-064
192-12-042	NEW	80-02-034	220-56	REP-P	80-02-045	220-56-315	NEW	80-03-064
204-38-010	NEW-P	80-04-080	220-56	NEW-P	80-02-045	220-56-320	NEW	80-03-064
204-38-020	NEW-P	80-04-080	220-56-010	REP	80-03-064	220-56-325	NEW	80-03-064
204-38-030	NEW-P	80-04-080	220-56-013	REP	80-03-064	220-56-330	NEW	80-03-064
204-38-040	NEW-P	80-04-080	220-56-019	REP	80-03-064	220-56-335	NEW	80-03-064
204-38-050	NEW-P	80-04-080	220-56-020	REP	80-03-064			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-56-340	NEW	80-03-064	220-57A-185	AMD	80-03-064	232-32-125	NEW-E	80-04-052
220-56-345	NEW	80-03-064	220-57A-190	AMD	80-03-064	248-14-001	AMD-P	80-03-112
220-56-350	NEW	80-03-064	220-69-230	AMD-P	80-03-096	248-14-020	AMD-P	80-03-112
220-56-355	NEW	80-03-064	220-69-232	AMD-P	80-03-096	248-14-050	AMD-P	80-03-112
220-56-360	NEW	80-03-064	220-69-233	AMD-P	80-03-096	248-14-055	AMD-P	80-03-112
220-56-365	NEW	80-03-064	220-69-234	AMD-P	80-03-096	248-14-060	AMD-P	80-03-112
220-56-370	NEW	80-03-064	220-69-23401	NEW-P	80-03-096	248-14-065	AMD-P	80-03-112
220-56-375	NEW	80-03-064	220-69-25401	NEW-P	80-03-096	248-14-090	AMD-P	80-03-112
220-56-380	NEW	80-03-064	220-69-260	AMD-P	80-03-096	248-14-100	AMD-P	80-03-112
220-56-385	NEW	80-03-064	220-69-261	AMD-P	80-03-096	248-14-110	AMD-P	80-03-112
220-56-390	NEW	80-03-064	220-69-264	AMD-P	80-03-096	248-14-120	AMD-P	80-03-112
220-56-400	NEW	80-03-064	220-69-26401	NEW-P	80-03-096	248-14-130	AMD-P	80-03-112
220-56-405	NEW	80-03-064	220-69-271	AMD-P	80-03-096	248-14-140	AMD-P	80-03-112
220-56-410	NEW	80-03-064	220-69-280	AMD-P	80-03-096	248-14-150	AMD-P	80-03-112
220-57	AMD-P	80-02-045	220-105	REP-P	80-02-045	248-14-160	AMD-P	80-03-112
220-57-120	AMD	80-03-064	220-105-010	REP	80-03-064	248-14-170	AMD-P	80-03-112
220-57-125	AMD	80-03-064	220-105-015	REP	80-03-064	248-14-180	AMD-P	80-03-112
220-57-130	AMD	80-03-064	220-105-020	REP	80-03-064	248-14-190	REP-P	80-03-112
220-57-135	AMD	80-03-064	220-105-025	REP	80-03-064	248-14-200	AMD-P	80-03-112
220-57-140	AMD	80-03-064	220-105-030	REP	80-03-064	248-14-210	REP-P	80-03-112
220-57-160	AMD	80-03-064	220-105-035	REP	80-03-064	248-14-220	REP-P	80-03-112
220-57-16000G	NEW-E	80-03-095	220-105-040	REP	80-03-064	248-14-235	AMD-P	80-03-112
220-57-165	AMD	80-03-064	220-105-045	REP	80-03-064	248-14-240	AMD-P	80-03-112
220-57-175	AMD	80-03-064	220-105-046	REP	80-03-064	248-14-245	AMD-P	80-03-112
220-57-190	AMD	80-03-064	220-105-047	REP	80-03-064	248-14-247	NEW-P	80-03-112
220-57-220	AMD	80-03-064	220-105-050	REP	80-03-064	248-14-250	AMD-P	80-03-112
220-57-235	AMD	80-03-064	220-105-055	REP	80-03-064	248-14-260	AMD-P	80-03-112
220-57-250	AMD	80-03-064	220-105-060	REP	80-03-064	248-14-264	NEW-P	80-03-112
220-57-255	AMD	80-03-064	220-105-065	REP	80-03-064	248-14-266	NEW-P	80-03-112
220-57-260	AMD	80-03-064	230-02-150	AMD-P	80-03-093	248-14-268	NEW-P	80-03-112
220-57-270	AMD	80-03-064	230-02-155	NEW-P	80-03-093	248-14-510	NEW-P	80-03-112
220-57-290	AMD	80-03-064	230-04-140	AMD-E	80-02-119	248-14-520	NEW-P	80-03-112
220-57-300	AMD	80-03-064	230-04-140	AMD	80-03-059	248-14-530	NEW-P	80-03-112
220-57-310	AMD	80-03-064	230-04-200	AMD	80-03-059	248-14-540	NEW-P	80-03-112
220-57-315	AMD	80-03-064	230-04-260	AMD	80-03-060	248-14-550	NEW-P	80-03-112
220-57-319	AMD	80-03-064	230-04-305	NEW	80-03-060	248-14-560	NEW-P	80-03-112
220-57-335	AMD	80-03-064	230-08-020	AMD	80-03-059	248-14-999	REP-P	80-03-112
220-57-340	AMD	80-03-064	230-20-030	REP	80-03-060	248-16-045	AMD	80-02-003
220-57-345	AMD	80-03-064	230-20-070	AMD	80-03-060	248-18-040	AMD	80-02-003
220-57-360	REP	80-03-064	230-20-110	AMD	80-03-059	248-18-222	NEW-P	80-02-021
220-57-370	AMD	80-03-064	230-20-130	AMD-P	80-03-017	248-18-222	NEW	80-03-085
220-57-385	AMD	80-03-064	230-20-130	AMD-P	80-04-082	248-18-510	AMD-P	80-01-108
220-57-400	AMD	80-03-064	230-20-210	AMD-P	80-03-093	248-18-510	AMD	80-03-062
220-57-405	AMD	80-03-064	230-25-030	AMD-E	80-04-053	248-18-607	NEW-P	80-02-021
220-57-415	AMD	80-03-064	230-25-030	AMD-P	80-04-082	248-18-607	NEW	80-03-085
220-57-435	AMD	80-03-064	230-25-033	NEW-P	80-04-082	248-18-636	NEW-P	80-02-021
220-57-440	AMD	80-03-064	230-25-100	AMD	80-03-060	248-18-636	NEW	80-03-085
220-57-450	AMD	80-03-064	230-40-010	AMD-E	80-04-053	248-18-718	AMD-P	80-01-108
220-57-455	AMD	80-03-064	230-40-030	AMD-P	80-04-082	248-18-718	AMD	80-03-062
220-57-460	AMD	80-03-064	230-40-120	AMD	80-03-059	248-18-718	AMD-P	80-04-079
220-57-473	AMD	80-03-064	230-40-225	AMD-P	80-04-082	248-22-520	AMD	80-02-003
220-57-480	AMD	80-03-064	230-42-010	AMD-P	80-04-082	248-23-001	NEW	80-03-079
220-57-485	AMD	80-03-064	230-50-010	AMD	80-03-059	248-23-010	NEW	80-03-079
220-57-495	AMD	80-03-064	232-12-130	AMD-P	80-02-167	248-23-020	NEW	80-03-079
220-57-505	AMD	80-03-064	232-12-171	AMD-P	80-02-167	248-23-030	NEW	80-03-079
220-57-50500B	NEW-E	80-03-095	232-12-690	AMD-P	80-02-167	248-23-040	NEW	80-03-079
220-57-510	AMD	80-03-064	232-12-710	AMD-P	80-02-167	248-23-050	NEW	80-03-079
220-57-515	AMD	80-03-064	232-28-202	REP-P	80-04-112	248-23-060	NEW	80-03-079
220-57-525	AMD	80-03-064	232-28-203	NEW-P	80-04-112	248-23-070	NEW	80-03-079
220-57A	AMD-P	80-02-045	232-28-302	REP-P	80-04-112	248-29-001	NEW-P	80-03-102
220-57A-005	AMD	80-03-064	232-28-303	NEW-P	80-04-112	248-29-010	NEW-P	80-03-102
220-57A-010	AMD	80-03-064	232-28-701	REP	80-03-042	248-29-020	NEW-P	80-03-102
220-57A-012	NEW	80-03-064	232-28-702	NEW	80-03-042	248-29-030	NEW-P	80-03-102
220-57A-017	NEW	80-03-064	232-28-801	REP-P	80-04-112	248-29-040	NEW-P	80-03-102
220-57A-040	AMD	80-03-064	232-28-802	NEW-P	80-04-112	248-29-050	NEW-P	80-03-102
220-57A-065	AMD	80-03-064	232-32-117	NEW-E	80-02-048	248-29-060	NEW-P	80-03-102
220-57A-080	AMD	80-03-064	232-32-117	REP-E	80-03-067	248-29-070	NEW-P	80-03-102
220-57A-095	AMD	80-03-064	232-32-118	NEW-E	80-02-057	248-29-080	NEW-P	80-03-102
220-57A-115	AMD	80-03-064	232-32-119	NEW-E	80-02-058	248-29-090	NEW-P	80-03-102
220-57A-120	AMD	80-03-064	232-32-120	NEW-E	80-02-132	248-30-010	REP-P	80-03-101
220-57A-135	AMD	80-03-064	232-32-121	NEW-E	80-02-133	248-30-020	REP-P	80-03-101
220-57A-150	AMD	80-03-064	232-32-122	NEW-E	80-02-134	248-30-030	REP-P	80-03-101
220-57A-152	NEW	80-03-064	232-32-123	NEW-E	80-04-011	248-30-040	REP-P	80-03-101
220-57A-155	AMD	80-03-064	232-32-124	NEW-E	80-04-017	248-30-050	REP-P	80-03-101





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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
289-13-110	NEW-P	80-02-161	296-54-563	AMD-P	80-03-082	296-116-220	REP	80-03-081
289-13-110	NEW	80-04-113	296-54-575	AMD-E	80-02-030	296-116-300	AMD-P	80-03-097
289-13-120	NEW-P	80-02-161	296-54-575	AMD-P	80-03-082	296-116-310	REP-P	80-01-102
289-13-120	NEW	80-04-113	296-54-593	AMD-E	80-02-030	296-116-310	REP	80-03-081
289-13-130	NEW-P	80-02-161	296-54-593	AMD-P	80-03-082	296-116-320	AMD-P	80-01-102
289-13-130	NEW	80-04-113	296-54-595	AMD-E	80-02-030	296-116-320	AMD	80-03-081
289-13-140	NEW-P	80-02-161	296-54-595	AMD-P	80-03-082	296-116-351	REP	80-03-081
289-13-140	NEW	80-04-113	296-54-601	AMD-E	80-02-030	296-306-147	NEW-P	80-03-082
289-13-150	NEW-P	80-02-161	296-54-601	AMD-P	80-03-082	296-401-060	NEW	80-02-052
289-13-150	NEW	80-04-113	296-62-060	AMD-E	80-03-078	296-401-070	NEW	80-02-052
289-13-160	NEW-P	80-02-161	296-62-060	AMD-P	80-03-082	296-401-080	NEW	80-02-052
289-13-160	NEW	80-04-113	296-62-07335	REP-P	80-03-082	296-401-090	NEW	80-02-052
289-13-170	NEW-P	80-02-161	296-62-07335	REP-E	80-04-010	296-401-100	NEW	80-02-052
289-13-170	NEW	80-04-113	296-62-07341	AMD-P	80-03-082	296-401-110	NEW	80-02-052
289-13-180	NEW-P	80-02-161	296-62-07345	AMD-P	80-03-082	296-401-120	NEW	80-02-052
289-13-180	NEW	80-04-113	296-62-07349	NEW-P	80-03-082	296-401-130	NEW	80-02-052
289-13-190	NEW-P	80-02-161	296-62-07349	NEW-E	80-03-099	296-401-140	NEW	80-02-052
289-13-190	NEW	80-04-113	296-62-07501	AMD-P	80-03-082	296-401-150	NEW	80-02-052
289-13-200	NEW-P	80-02-161	296-62-07503	AMD-P	80-03-082	296-401-160	NEW	80-02-052
289-13-200	NEW	80-04-113	296-62-07505	AMD-P	80-03-082	296-401-170	NEW	80-02-052
289-13-210	NEW-P	80-02-161	296-62-07507	AMD-P	80-03-082	296-401-180	NEW	80-02-052
289-13-210	NEW	80-04-113	296-62-07509	AMD-P	80-03-082	304-25	AMD	80-02-041
289-13-220	NEW	80-04-113	296-62-07510	NEW-P	80-03-082	304-25-010	AMD	80-02-041
289-13-230	NEW	80-04-113	296-62-07511	AMD-P	80-03-082	304-25-020	AMD	80-02-041
296-04-005	AMD	80-03-004	296-62-07513	AMD-P	80-03-082	304-25-030	AMD	80-02-041
296-04-015	AMD	80-03-004	296-62-07515	AMD-P	80-03-082	304-25-040	AMD	80-02-041
296-04-050	AMD	80-03-004	296-62-07517	AMD-P	80-03-082	304-25-050	AMD	80-02-041
296-04-270	AMD	80-03-004	296-62-09005	AMD-P	80-03-082	304-25-060	AMD	80-02-041
296-04-295	AMD	80-03-004	296-62-09011	AMD-P	80-03-082	304-25-070	REP	80-02-041
296-04-490	REP	80-03-004	296-62-11001	AMD-P	80-03-082	304-25-080	REP	80-02-041
296-11-001	AMD-P	80-01-102	296-62-11015	AMD-P	80-03-082	304-25-090	AMD	80-02-041
296-11-001	AMD	80-03-081	296-62-11021	AMD-P	80-03-082	304-25-100	AMD	80-02-041
296-11-002	REP-P	80-01-102	296-62-14501	AMD-P	80-03-082	304-25-110	AMD	80-02-041
296-11-002	REP	80-03-081	296-62-14507	AMD-P	80-03-082	304-25-120	AMD	80-02-041
296-24-023	NEW-E	80-03-078	296-62-14531	AMD-P	80-03-082	304-25-510	NEW	80-02-041
296-24-023	NEW-P	80-03-082	296-62-900	REP-P	80-03-082	304-25-520	NEW	80-02-041
296-24-08103	AMD-P	80-03-082	296-62-901	REP-P	80-03-082	304-25-530	NEW	80-02-041
296-24-08107	AMD-P	80-03-082	296-62-902	REP-P	80-03-082	304-25-540	NEW	80-02-041
296-24-08109	AMD-P	80-03-082	296-62-903	REP-P	80-03-082	304-25-550	NEW	80-02-041
296-24-82515	AMD-P	80-03-082	296-62-904	REP-P	80-03-082	304-25-555	NEW	80-02-041
296-24-82521	AMD-P	80-03-082	296-62-905	REP-P	80-03-082	304-25-560	NEW	80-02-041
296-54-505	AMD-E	80-02-030	296-62-906	REP-P	80-03-082	304-25-570	NEW	80-02-041
296-54-505	AMD-P	80-03-082	296-62-907	REP-P	80-03-082	304-25-580	NEW	80-02-041
296-54-507	AMD-E	80-02-030	296-62-908	REP-P	80-03-082	304-25-590	NEW	80-02-041
296-54-507	AMD-P	80-03-082	296-104-200	AMD-P	80-02-104	308-13-010	AMD-P	80-03-058
296-54-511	AMD-E	80-02-030	296-116-040	REP-P	80-01-102	308-13-030	AMD-P	80-03-058
296-54-511	AMD-P	80-03-082	296-116-040	REP	80-03-081	308-13-040	AMD-P	80-03-058
296-54-515	AMD-E	80-02-030	296-116-080	AMD-P	80-01-102	308-13-080	AMD-P	80-03-058
296-54-515	AMD-P	80-03-082	296-116-080	AMD	80-03-081	308-16-350	AMD	80-02-079
296-54-517	AMD-E	80-02-030	296-116-082	NEW-P	80-01-102	308-36-050	AMD-P	80-01-104
296-54-517	AMD-P	80-03-082	296-116-082	NEW	80-03-081	308-36-050	AMD	80-03-063
296-54-519	AMD-E	80-02-030	296-116-090	REP-P	80-01-102	308-36-055	NEW-P	80-03-094
296-54-519	AMD-P	80-03-082	296-116-090	REP	80-03-081	308-40-101	AMD-P	80-03-094
296-54-527	AMD-E	80-02-030	296-116-095	REP-P	80-01-102	308-40-105	NEW-P	80-03-094
296-54-527	AMD-P	80-03-082	296-116-095	REP	80-03-081	308-42-120	NEW-P	80-02-166
296-54-529	AMD-E	80-02-030	296-116-100	REP-P	80-01-102	308-42-120	NEW	80-04-057
296-54-529	AMD-P	80-03-082	296-116-100	REP	80-03-081	308-51-130	AMD	80-04-012
296-54-531	AMD-E	80-02-030	296-116-105	REP-P	80-01-102	308-53-145	NEW-P	80-01-103
296-54-531	AMD-P	80-03-082	296-116-105	REP	80-03-081	308-53-145	NEW	80-04-054
296-54-535	AMD-E	80-02-030	296-116-110	AMD-P	80-01-102	308-53-146	NEW-P	80-01-103
296-54-535	AMD-P	80-03-082	296-116-110	AMD	80-03-081	308-53-146	NEW	80-04-054
296-54-539	AMD-E	80-02-030	296-116-130	AMD-P	80-01-102	308-53-280	NEW-P	80-01-103
296-54-539	AMD-P	80-03-082	296-116-130	AMD	80-03-081	308-53-280	NEW	80-04-054
296-54-543	AMD-E	80-02-030	296-116-160	REP-P	80-01-102	308-54-150	AMD-P	80-02-163
296-54-543	AMD-P	80-03-082	296-116-160	REP	80-03-081	308-54-150	AMD	80-04-069
296-54-549	AMD-E	80-02-030	296-116-180	REP-P	80-01-102	308-54-320	NEW-P	80-02-166
296-54-549	AMD-P	80-03-082	296-116-180	REP	80-03-081	308-54-320	NEW	80-04-057
296-54-551	AMD-E	80-02-030	296-116-185	REP-P	80-01-102	308-61-110	AMD	80-02-053
296-54-551	AMD-P	80-03-082	296-116-185	AMD	80-03-081	308-61-155	AMD	80-02-053
296-54-555	AMD-E	80-02-030	296-116-190	REP-P	80-01-102	308-120-100	AMD-P	80-02-091
296-54-555	AMD-P	80-03-082	296-116-190	REP	80-03-081	308-120-100	AMD	80-04-072
296-54-557	AMD-E	80-02-030	296-116-210	REP-P	80-01-102	308-120-120	REP-P	80-02-091
296-54-557	AMD-P	80-03-082	296-116-210	REP	80-03-081	308-120-120	REP	80-04-072
296-54-563	AMD-E	80-02-030	296-116-220	REP-P	80-01-102	308-120-130	REP-P	80-02-091

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308-120-140	REP	80-04-072	332-30	NEW-P	80-04-001	365-31-160	AMD-P	80-02-122
308-120-205	NEW-P	80-02-091	332-30	NEW-P	80-04-067	365-31-160	AMD-E	80-03-011
308-120-206	NEW-P	80-02-091	332-30-119	NEW-P	80-03-001	365-31-170	AMD-P	80-02-122
308-120-207	NEW-P	80-02-091	332-30-119	NEW-P	80-04-062	365-31-170	AMD-E	80-03-011
308-120-208	NEW-P	80-02-091	352-32-010	AMD-P	80-02-176	365-31-180	REP-P	80-02-122
308-120-209	NEW-P	80-02-091	352-32-030	AMD-P	80-02-176	365-31-180	REP-E	80-03-011
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308-120-211	NEW-P	80-02-091	352-32-045	AMD-P	80-02-176	365-31-210	AMD-E	80-03-011
308-120-212	NEW-P	80-02-091	352-32-050	AMD-P	80-02-176	365-31-310	REP-P	80-02-122
308-120-213	NEW-P	80-02-091	352-32-250	AMD-P	80-02-176	365-31-310	REP-E	80-03-011
308-120-214	NEW-P	80-02-091	356-06-020	AMD-P	80-04-075	365-31-320	REP-P	80-02-122
308-120-215	NEW-P	80-02-091	356-06-040	AMD-P	80-02-137	365-31-320	REP-E	80-03-011
308-120-216	NEW-P	80-02-091	356-06-040	AMD	80-04-025	365-31-330	AMD-P	80-02-122
308-120-217	NEW-P	80-02-091	356-14-140	AMD-P	80-02-038	365-31-330	AMD-E	80-03-011
308-120-218	NEW-P	80-02-091	356-14-140	AMD	80-03-024	365-31-340	REP-P	80-02-122
308-120-219	NEW-P	80-02-091	356-15-050	AMD-P	80-02-039	365-31-340	REP-E	80-03-011
308-120-220	NEW-P	80-02-091	356-15-120	AMD-P	80-02-039	365-31-350	REP-P	80-02-122
308-120-221	NEW-P	80-02-091	356-15-120	AMD-P	80-04-075	365-31-350	REP-E	80-03-011
308-120-222	NEW-P	80-02-091	356-18-015	NEW-P	80-02-039	365-31-360	REP-P	80-02-122
308-120-505	NEW	80-04-072	356-18-020	AMD-P	80-02-039	365-31-360	REP-E	80-03-011
308-120-506	NEW	80-04-072	356-18-025	AMD-P	80-02-039	365-31-370	REP-P	80-02-122
308-120-507	NEW	80-04-072	356-18-030	AMD-P	80-02-039	365-31-370	REP-E	80-03-011
308-120-508	NEW	80-04-072	356-18-040	AMD-P	80-02-039	365-31-410	REP-P	80-02-122
308-120-509	NEW	80-04-072	356-18-070	AMD	80-02-037	365-31-410	REP-E	80-03-011
308-120-510	NEW	80-04-072	356-18-090	AMD-P	80-02-039	365-31-420	REP-P	80-02-122
308-120-511	NEW	80-04-072	356-22-030	AMD-P	80-02-038	365-31-420	REP-E	80-03-011
308-120-512	NEW	80-04-072	356-22-130	AMD-P	80-03-077	365-31-430	REP-P	80-02-122
308-120-513	NEW	80-04-072	356-22-130	AMD-P	80-04-086	365-31-430	REP-E	80-03-011
308-120-514	NEW	80-04-072	356-26-030	AMD-P	80-02-038	365-31-440	REP-P	80-02-122
308-120-515	NEW	80-04-072	356-26-030	AMD-P	80-02-137	365-31-440	REP-E	80-03-011
308-120-516	NEW	80-04-072	356-26-030	AMD-P	80-04-024	365-31-450	REP-P	80-02-122
308-120-517	NEW	80-04-072	356-26-060	AMD-P	80-02-137	365-31-450	REP-E	80-03-011
308-120-518	NEW	80-04-072	356-26-060	AMD	80-04-025	365-31-460	REP-P	80-02-122
308-120-519	NEW	80-04-072	356-30-070	AMD-P	80-02-137	365-31-460	REP-E	80-03-011
308-120-520	NEW	80-04-072	356-30-070	AMD	80-04-025	365-31-470	REP-P	80-02-122
308-120-521	NEW	80-04-072	356-30-146	AMD-P	80-02-137	365-31-470	REP-E	80-03-011
308-120-522	NEW	80-04-072	356-30-146	AMD	80-04-025	365-33-730	REP-P	80-02-122
308-122-040	NEW	80-02-114	356-30-330	AMD-P	80-04-075	365-33-730	REP-E	80-03-011
308-122-050	NEW	80-02-114	356-46-060	AMD-P	80-04-075	365-33-740	REP-P	80-02-122
308-122-220	AMD-P	80-04-068	360-11-010	AMD-P	80-04-071	365-33-740	REP-E	80-03-011
308-122-410	AMD-P	80-04-068	360-11-023	NEW-P	80-04-071	365-33-750	REP-P	80-02-122
308-150-010	REP-P	80-03-092	360-11-027	NEW-P	80-04-071	365-33-750	REP-E	80-03-011
308-150-015	REP-P	80-03-092	360-11-030	AMD-P	80-04-071	365-33-760	REP-P	80-02-122
308-150-020	REP-P	80-03-092	360-11-033	NEW-P	80-04-071	365-33-760	REP-E	80-03-011
308-150-040	REP-P	80-03-092	360-11-037	NEW-P	80-04-071	365-35-010	REP-P	80-02-122
308-150-070	NEW-P	80-03-092	360-11-040	AMD-P	80-04-071	365-35-010	REP-E	80-03-011
308-150-080	NEW-P	80-03-092	360-11-045	NEW-P	80-04-071	365-35-900	REP-P	80-02-122
308-150-090	NEW-P	80-03-092	360-11-050	REP-P	80-04-071	365-35-900	REP-E	80-03-011
308-150-100	NEW-P	80-03-092	360-11-060	AMD-P	80-04-071	365-37-010	REP-P	80-02-122
308-150-110	NEW-P	80-03-092	360-18-010	NEW-P	80-03-091	365-37-010	REP-E	80-03-011
308-150-120	NEW-P	80-03-092	360-18-020	NEW-P	80-03-091	365-37-110	REP-P	80-02-122
308-150-130	NEW-P	80-03-092	360-18-030	NEW-P	80-03-091	365-37-110	REP-E	80-03-011
308-150-140	NEW-P	80-03-092	360-18-040	NEW-P	80-03-091	365-37-120	REP-P	80-02-122
308-150-150	NEW-P	80-03-092	360-25-001	REP-P	80-03-091	365-37-120	REP-E	80-03-011
308-150-160	NEW-P	80-03-092	360-36-010	AMD-P	80-03-091	365-37-130	REP-P	80-02-122
308-150-170	NEW-P	80-03-092	360-36-230	AMD-P	80-03-091	365-37-130	REP-E	80-03-011
308-150-200	NEW-P	80-03-092	360-49-040	NEW	80-02-113	365-37-210	REP-P	80-02-122
308-150-210	NEW-P	80-03-092	360-52-060	AMD	80-02-113	365-37-210	REP-E	80-03-011
308-150-220	NEW-P	80-03-092	360-52-070	AMD-P	80-02-112	365-37-220	REP-P	80-02-122
308-150-230	NEW-P	80-03-092	365-31-010	AMD-P	80-02-164	365-37-220	REP-E	80-03-011
308-150-240	NEW-P	80-03-092	365-31-010	AMD-P	80-02-122	365-37-310	REP-P	80-02-122
308-151-080	NEW-P	80-03-092	365-31-010	AMD-E	80-03-011	365-37-310	REP-E	80-03-011
308-151-090	NEW-P	80-03-092	365-31-020	AMD-P	80-02-122	365-37-320	REP-P	80-02-122
308-151-100	NEW-P	80-03-092	365-31-020	AMD-E	80-03-011	365-37-320	REP-E	80-03-011
314-16-040	AMD-P	80-02-035	365-31-110	AMD-P	80-02-122	365-37-330	REP-P	80-02-122
314-16-040	AMD	80-02-094	365-31-110	AMD-E	80-03-011	365-37-330	REP-E	80-03-011
332-10-150	NEW-E	80-04-066	365-31-111	NEW-P	80-02-122	365-37-340	REP-P	80-02-122
332-10-160	NEW-E	80-04-066	365-31-111	NEW-E	80-03-011	365-37-340	REP-E	80-03-011
332-10-170	NEW-E	80-04-066	365-31-120	AMD-P	80-02-122	365-37-410	REP-P	80-02-122
332-10-180	NEW-E	80-04-066	365-31-120	AMD-E	80-03-011	365-37-410	REP-E	80-03-011
332-10-190	NEW-E	80-04-066	365-31-130	AMD-P	80-02-122	365-37-510	REP-P	80-02-122
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365-37-530	REP-P	80-02-122	388-54-725	AMD	80-04-051	390-20-040	REP	80-02-106
365-37-530	REP-E	80-03-011	388-54-735	AMD-P	80-01-101	390-20-050	REP	80-02-106
365-37-540	REP-P	80-02-122	388-54-735	AMD-P	80-02-143	390-20-051	REP	80-02-055
365-37-540	REP-E	80-03-011	388-54-735	AMD-E	80-02-144	390-20-052	NEW	80-02-055
365-37-550	REP-P	80-02-122	388-54-735	AMD	80-04-006	390-20-053	REP	80-02-055
365-37-550	REP-E	80-03-011	388-54-740	AMD-P	80-01-101	390-20-055	REP	80-02-055
365-37-560	REP-P	80-02-122	388-54-740	AMD	80-04-006	390-20-060	REP	80-02-106
365-37-560	REP-E	80-03-011	388-54-785	AMD-P	80-01-101	390-20-070	REP	80-02-106
365-37-570	REP-P	80-02-122	388-54-785	AMD	80-04-006	390-20-080	REP-P	80-01-115
365-37-570	REP-E	80-03-011	388-54-805	AMD-P	80-01-101	390-20-080	REP	80-03-089
365-37-580	REP-P	80-02-122	388-54-805	AMD	80-04-006	390-20-085	REP-P	80-04-077
365-37-580	REP-E	80-03-011	388-54-835	AMD-P	80-01-101	390-20-120	AMD	80-02-106
388-08-080	AMD-P	80-04-135	388-54-835	AMD	80-04-006	390-20-120	AMD	80-02-055
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388-11-045	AMD-P	80-04-092	388-57-036	NEW	80-02-023	390-24-025	AMD	80-03-089
388-11-090	AMD-P	80-04-135	388-57-090	AMD	80-02-023	390-28-040	AMD-P	80-01-115
388-15-020	AMD	80-02-049	388-70-058	NEW-P	80-02-032	390-28-040	AMD	80-03-089
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388-17-160	AMD	80-02-135	388-70-064	AMD-P	80-04-106	391-21-700	AMD-P	80-02-156
388-24-052	AMD-P	80-04-014	388-72-050	NEW	80-02-051	391-21-700	AMD	80-04-073
388-24-052	AMD-E	80-04-083	388-72-060	NEW	80-02-051	391-21-700	AMD-E	80-04-074
388-24-107	AMD-P	80-03-009	388-72-070	NEW	80-02-051	391-21-702	AMD-E	80-02-116
388-24-107	AMD-E	80-03-010	388-72-080	NEW	80-02-051	391-21-702	AMD-P	80-02-156
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388-26-055	AMD	80-03-052	388-80-005	AMD	80-02-001	391-21-702	AMD-E	80-04-074
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388-28-576	REP-E	80-02-144	388-83-040	AMD	80-02-062	391-21-708	AMD-P	80-02-156
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388-53-010	AMD-E	80-02-118	388-96-713	AMD-P	80-04-134	391-21-716	AMD-E	80-04-074
388-53-010	AMD-P	80-02-121	388-96-716	AMD-P	80-04-134	391-21-716	AMD-E	80-02-116
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388-53-020	AMD-P	80-02-121	388-96-735	AMD-P	80-04-134	391-21-718	AMD-E	80-04-074
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388-53-040	AMD-P	80-02-121	388-98-850	NEW-P	80-04-133	391-21-720	AMD-E	80-02-116
388-53-040	AMD	80-04-039	388-98-870	NEW-P	80-04-133	391-21-720	AMD-P	80-02-156
388-53-050	AMD-E	80-02-118	388-98-890	NEW-P	80-04-133	391-21-720	AMD	80-04-073
388-53-050	AMD-P	80-02-121	390-05-271	NEW-P	80-04-133	391-21-720	AMD-E	80-04-074
388-53-050	AMD	80-04-039	390-12-010	AMD	80-02-055	391-21-721	NEW-E	80-02-116
388-53-070	AMD-E	80-02-118	390-12-020	AMD-P	80-04-077	391-21-721	NEW-P	80-02-156
388-53-070	AMD-P	80-02-121	390-12-030	REP	80-02-106	391-21-721	NEW	80-04-073
388-53-070	AMD	80-04-039	390-12-060	REP	80-02-106	391-21-721	NEW-E	80-04-074
388-53-080	AMD-E	80-02-118	390-12-070	REP	80-02-106	391-21-722	AMD-E	80-02-116
388-53-080	AMD-P	80-02-121	390-12-080	REP	80-02-106	391-21-722	AMD-P	80-02-156
388-53-080	AMD	80-04-039	390-12-090	REP	80-02-106	391-21-722	AMD	80-04-073
388-53-090	AMD-E	80-02-118	390-12-100	REP	80-02-106	391-21-722	AMD-E	80-04-074
388-53-090	AMD-P	80-02-121	390-12-110	REP	80-02-106	391-21-723	NEW-E	80-02-116
388-53-090	AMD	80-04-039	390-12-120	REP	80-02-106	391-21-723	NEW-P	80-02-156
388-53-100	AMD-E	80-02-118	390-12-140	REP	80-02-106	391-21-723	NEW	80-04-073
388-53-100	AMD-P	80-02-121	390-12-160	REP	80-02-106	391-21-723	NEW-E	80-04-074
388-53-100	AMD	80-04-039	390-14-100	REP	80-02-106	391-21-724	AMD-E	80-02-116
388-53-110	REP-E	80-02-118	390-14-100	AMD-E	80-03-088	391-21-724	AMD-P	80-02-156
388-53-110	REP-P	80-02-121	390-14-110	AMD-P	80-03-090	391-21-724	AMD	80-04-073
388-53-110	REP	80-04-039	390-14-110	AMD-E	80-03-088	391-21-724	AMD-E	80-04-074
388-53-120	AMD-E	80-02-118	390-16-080	AMD-P	80-03-090	391-21-726	AMD-E	80-02-116
388-53-120	AMD-P	80-02-121	390-16-085	REP	80-02-106	391-21-726	AMD-E	80-02-156
388-53-120	AMD	80-04-039	390-16-090	REP	80-02-106	391-21-726	AMD	80-04-073
388-54-695	AMD-P	80-03-050	390-16-095	REP	80-02-106	391-21-726	AMD-E	80-04-074
388-54-695	AMD-E	80-03-051	390-20-020	REP	80-02-106	391-21-728	AMD-E	80-02-116
				AMD	80-02-055	391-21-728	AMD-P	80-02-156

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391-21-728	AMD	80-04-073	392-105-030	AMD-P	80-03-103	392-137-001	NEW-P	80-03-106
391-21-728	AMD-E	80-04-074	392-105-035	NEW-P	80-03-103	392-137-002	NEW-P	80-03-106
391-21-733	NEW-E	80-02-116	392-121-065	AMD-E	80-04-019	392-137-003	NEW-P	80-03-106
391-21-733	NEW-P	80-02-156	392-123-011	AMD-P	80-04-111	392-137-005	REP-P	80-03-106
391-21-733	NEW	80-04-073	392-123-015	REP-P	80-04-111	392-137-020	AMD-P	80-03-106
391-21-733	NEW-E	80-04-074	392-123-020	REP-P	80-04-111	392-137-045	AMD-P	80-03-106
391-21-734	AMD-E	80-02-116	392-123-025	REP-P	80-04-111	392-137-050	REP-P	80-03-106
391-21-734	AMD-P	80-02-156	392-123-030	REP-P	80-04-111	392-137-051	NEW-P	80-03-106
391-21-734	AMD	80-04-073	392-123-035	REP-P	80-04-111	392-137-055	NEW-P	80-03-106
391-21-734	AMD-E	80-04-074	392-123-040	REP-P	80-04-111	392-137-060	NEW-P	80-03-106
391-21-735	NEW-E	80-02-116	392-123-045	REP-P	80-04-111	392-137-065	NEW-P	80-03-106
391-21-735	NEW-P	80-02-156	392-123-050	REP-P	80-04-111	392-140-001	AMD-P	80-03-107
391-21-735	NEW	80-04-073	392-123-051	AMD-P	80-04-111	392-140-002	REP-P	80-03-107
391-21-735	NEW-E	80-04-074	392-123-0511	REP-P	80-04-111	392-140-003	REP-P	80-03-107
391-21-737	NEW-E	80-02-116	392-123-052	REP-P	80-04-111	392-140-004	REP-P	80-03-107
391-21-737	NEW-P	80-02-156	392-123-053	AMD-P	80-04-111	392-140-005	REP-P	80-03-107
391-21-737	NEW	80-04-073	392-123-054	AMD-P	80-04-111	392-140-006	REP-P	80-03-107
391-21-737	NEW-E	80-04-074	392-123-055	AMD-P	80-04-111	392-140-007	REP-P	80-03-107
391-21-738	AMD-E	80-02-116	392-123-060	AMD-P	80-04-111	392-140-008	REP-P	80-03-107
391-21-738	AMD-P	80-02-156	392-123-065	AMD-P	80-04-111	392-141-005	AMD-P	80-03-108
391-21-738	AMD	80-04-073	392-123-071	AMD-P	80-04-111	392-141-007	NEW-P	80-03-108
391-21-738	AMD-E	80-04-074	392-123-072	AMD-P	80-04-111	392-141-008	NEW-P	80-03-108
391-21-740	REP-E	80-02-116	392-123-074	NEW-P	80-04-111	392-141-017	NEW-P	80-03-108
391-21-740	REP-P	80-02-156	392-123-075	REP-P	80-04-111	392-141-018	NEW-P	80-03-108
391-21-740	REP	80-04-073	392-123-076	AMD-P	80-04-111	392-141-027	NEW-P	80-03-108
391-21-740	REP-E	80-04-074	392-123-077	AMD-P	80-04-111	392-141-028	NEW-P	80-03-108
391-21-742	REP-E	80-02-116	392-123-078	NEW-P	80-04-111	392-141-037	NEW-P	80-03-108
391-21-742	REP-P	80-02-156	392-123-079	NEW-P	80-04-111	392-141-038	NEW-P	80-03-108
391-21-742	REP	80-04-073	392-123-080	AMD-P	80-04-111	392-141-042	NEW-P	80-03-108
391-21-742	REP-E	80-04-074	392-123-085	AMD-P	80-04-111	392-141-043	NEW-P	80-03-108
391-21-744	REP-E	80-02-116	392-123-090	REP-P	80-04-111	392-141-045	AMD-P	80-03-108
391-21-744	REP-P	80-02-156	392-123-095	AMD-P	80-04-111	392-141-055	AMD-P	80-03-108
391-21-744	REP	80-04-073	392-123-100	AMD-P	80-04-111	392-167-005	REP-P	80-03-109
391-21-744	REP-E	80-04-074	392-123-105	AMD-P	80-04-111	392-167-010	REP-P	80-03-109
391-21-746	REP-E	80-02-116	392-123-110	AMD-P	80-04-111	392-167-015	REP-P	80-03-109
391-21-746	REP-P	80-02-156	392-123-115	AMD-P	80-04-111	392-167-020	REP-P	80-03-109
391-21-746	REP	80-04-073	392-123-125	AMD-P	80-04-111	392-167-025	REP-P	80-03-109
391-21-746	REP-E	80-04-074	392-125-035	AMD-P	80-04-109	392-167-030	REP-P	80-03-109
391-21-748	REP-E	80-02-116	392-125-040	AMD-P	80-04-109	392-167-035	REP-P	80-03-109
391-21-748	REP-P	80-02-156	392-125-054	NEW-P	80-04-109	392-167-040	REP-P	80-03-109
391-21-748	REP	80-04-073	392-125-055	AMD-P	80-04-109	392-167-045	REP-P	80-03-109
391-21-748	REP-E	80-04-074	392-129	AMD-P	80-04-015	392-167-050	REP-P	80-03-109
391-21-750	REP-E	80-02-116	392-129-005	AMD-P	80-02-130	392-167-055	REP-P	80-03-109
391-21-750	REP-P	80-02-156	392-129-005	AMD-E	80-02-131	392-167-060	REP-P	80-03-109
391-21-750	REP	80-04-073	392-129-005	AMD	80-04-046	392-167-065	REP-P	80-03-109
391-21-750	REP-E	80-04-074	392-129-010	AMD-P	80-02-130	392-167-070	REP-P	80-03-109
391-21-752	REP-E	80-02-116	392-129-010	AMD-E	80-02-131	392-167-075	REP-P	80-03-109
391-21-752	REP-P	80-02-156	392-129-010	AMD	80-04-046	392-181-005	REP-P	80-03-110
391-21-752	REP	80-04-073	392-129-015	AMD-P	80-02-130	392-181-010	REP-P	80-03-110
391-21-752	REP-E	80-04-074	392-129-015	AMD-E	80-02-131	392-181-015	REP-P	80-03-110
391-21-754	REP-E	80-02-116	392-129-015	AMD	80-04-046	392-181-020	REP-P	80-03-110
391-21-754	REP-P	80-02-156	392-129-020	AMD-P	80-02-130	392-181-025	REP-P	80-03-110
391-21-754	REP	80-04-073	392-129-020	AMD-E	80-02-131	392-181-030	REP-P	80-03-110
391-21-754	REP-E	80-04-074	392-129-020	AMD	80-04-046	392-181-035	REP-P	80-03-110
391-21-756	REP-E	80-02-116	392-133-005	REP-P	80-04-110	392-183-005	REP-P	80-03-111
391-21-756	REP-P	80-02-156	392-133-010	REP-P	80-04-110	392-183-010	REP-P	80-03-111
391-21-756	REP	80-04-073	392-133-015	REP-P	80-04-110	392-183-015	REP-P	80-03-111
391-21-756	REP-E	80-04-074	392-133-020	REP-P	80-04-110	392-183-020	REP-P	80-03-111
391-21-758	REP-E	80-02-116	392-133-025	REP-P	80-04-110	392-183-025	REP-P	80-03-111
391-21-758	REP-P	80-02-156	392-133-030	REP-P	80-04-110	392-183-030	REP-P	80-03-111
391-21-758	REP	80-04-073	392-133-035	REP-P	80-04-110	402-19-530	NEW	80-02-080
391-21-758	REP-E	80-04-074	392-133-040	REP-P	80-04-110	434-28-010	AMD-P	80-03-115
391-21-760	REP-E	80-02-116	392-133-045	REP-P	80-04-110	434-28-030	REP-P	80-03-115
391-21-760	REP-P	80-02-156	392-133-050	REP-P	80-04-110	434-69-005	NEW-P	80-03-119
391-21-760	REP	80-04-073	392-134-001	NEW-P	80-03-104	434-69-010	NEW-P	80-03-119
391-21-760	REP-E	80-04-074	392-134-005	NEW-P	80-03-104	434-69-020	NEW-P	80-03-119
392-105-001	NEW-P	80-03-103	392-134-010	NEW-P	80-03-104	434-69-030	NEW-P	80-03-119
392-105-003	NEW-P	80-03-103	392-134-015	NEW-P	80-03-104	434-69-040	NEW-P	80-03-119
392-105-005	NEW-P	80-03-103	392-134-020	NEW-P	80-03-104	434-69-050	NEW-P	80-03-119
392-105-010	AMD-P	80-03-103	392-134-025	NEW-P	80-03-104	434-69-060	NEW-P	80-03-119
392-105-013	NEW-P	80-03-103	392-134-030	NEW-P	80-03-104	434-69-070	NEW-P	80-03-119
392-105-015	AMD-P	80-03-103	392-135-005	AMD-P	80-03-105	434-69-080	NEW-P	80-03-119
392-105-020	AMD-P	80-03-103	392-135-010	AMD-P	80-03-105	448-12-015	AMD-P	80-04-004
392-105-025	AMD-P	80-03-103	392-135-025	REP-P	80-03-105	448-12-015	AMD-E	80-04-005

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448-12-020	AMD-P	80-04-004	458-57-340	NEW-P	80-01-116	460-80-125	NEW	80-04-036
448-12-020	AMD-E	80-04-005	458-57-340	NEW	80-03-048	460-80-130	REP-P	80-02-099
448-12-090	AMD-P	80-04-004	458-57-350	NEW-P	80-01-116	460-80-130	REP	80-04-036
448-12-090	AMD-E	80-04-005	458-57-350	NEW	80-03-048	460-80-140	AMD-P	80-02-099
448-12-100	AMD-P	80-04-004	458-57-360	NEW-P	80-01-116	460-80-140	AMD	80-04-036
448-12-100	AMD-E	80-04-005	458-57-360	NEW	80-03-048	460-80-150	REP-P	80-02-099
458-40-18629	AMD	80-02-019	458-57-370	NEW-P	80-01-116	460-80-150	REP	80-04-036
458-57	NEW-P	80-03-003	458-57-370	NEW	80-03-048	460-80-170	REP-P	80-02-099
458-57-010	NEW-P	80-01-116	458-57-380	NEW-P	80-01-116	460-80-170	REP	80-04-036
458-57-010	NEW	80-03-048	458-57-380	NEW	80-03-048	460-80-180	REP-P	80-02-099
458-57-020	NEW-P	80-01-116	458-57-390	NEW-P	80-01-116	460-80-180	REP	80-04-036
458-57-020	NEW	80-03-048	458-57-390	NEW	80-03-048	460-80-200	REP-P	80-02-099
458-57-030	NEW-P	80-01-116	458-57-400	NEW-P	80-01-116	460-80-200	REP	80-04-036
458-57-030	NEW	80-03-048	458-57-400	NEW	80-03-048	460-80-210	REP-P	80-02-099
458-57-040	NEW-P	80-01-116	458-57-400	NEW-P	80-01-116	460-80-210	REP	80-04-036
458-57-040	NEW	80-03-048	458-57-410	NEW	80-03-048	460-80-220	REP-P	80-02-099
458-57-050	NEW-P	80-01-116	458-57-420	NEW-P	80-01-116	460-80-220	REP	80-04-036
458-57-050	NEW	80-03-048	458-57-420	NEW	80-03-048	460-80-300	AMD-P	80-02-099
458-57-060	NEW-P	80-01-116	458-57-430	NEW-P	80-01-116	460-80-300	AMD	80-04-036
458-57-060	NEW	80-03-048	458-57-430	NEW	80-03-048	460-80-315	NEW-P	80-02-099
458-57-070	NEW-P	80-01-116	458-57-440	NEW-P	80-01-116	460-80-315	NEW	80-04-036
458-57-070	NEW	80-03-048	458-57-440	NEW	80-03-048	460-80-320	REP-P	80-02-099
458-57-080	NEW-P	80-01-116	458-57-450	NEW-P	80-01-116	460-80-320	REP	80-04-036
458-57-080	NEW	80-03-048	458-57-450	NEW	80-03-048	460-80-330	REP-P	80-02-099
458-57-090	NEW-P	80-01-116	458-57-460	NEW-P	80-01-116	460-80-330	REP	80-04-036
458-57-090	NEW	80-03-048	458-57-460	NEW	80-03-048	460-80-900	REP-P	80-02-099
458-57-100	NEW-P	80-01-116	458-57-470	NEW-P	80-01-116	460-80-900	REP	80-04-036
458-57-100	NEW	80-03-048	458-57-470	NEW	80-03-048	460-80-905	NEW-P	80-02-099
458-57-110	NEW-P	80-01-116	458-57-480	NEW-P	80-01-116	460-80-910	REP-P	80-02-099
458-57-110	NEW	80-03-048	458-57-480	NEW	80-03-048	460-80-910	REP	80-04-036
458-57-120	NEW-P	80-01-116	458-57-490	NEW-P	80-01-116	460-80-915	NEW-P	80-02-099
458-57-120	NEW	80-03-048	458-57-490	NEW	80-03-048	460-80-925	NEW-P	80-02-099
458-57-130	NEW-P	80-01-116	458-57-500	NEW-P	80-01-116	460-80-935	NEW-P	80-02-099
458-57-130	NEW	80-03-048	458-57-500	NEW	80-03-048	460-80-945	NEW-P	80-02-099
458-57-140	NEW-P	80-01-116	460-10A-015	AMD-P	80-02-098	461-08-070	AMD	80-02-100
458-57-140	NEW	80-03-048	460-10A-015	AMD	80-04-037	468-38-450	AMD-P	80-03-043
458-57-150	NEW-P	80-01-116	460-16A-085	AMD-P	80-02-098	468-38-450	AMD-E	80-04-043
458-57-150	NEW	80-03-048	460-16A-085	AMD	80-04-037	468-38-450	AMD	80-04-044
458-57-160	NEW-P	80-01-116	460-20A-220	AMD-P	80-02-098	468-42-014	AMD-E	80-02-042
458-57-160	NEW	80-03-048	460-20A-220	AMD	80-04-037	468-42-125	NEW	80-02-088
458-57-170	NEW-P	80-01-116	460-32A-235	AMD-P	80-02-098	468-42-129	AMD	80-03-020
458-57-170	NEW	80-03-048	460-32A-235	AMD	80-04-037	468-42-542	AMD-P	80-03-065
458-57-180	NEW-P	80-01-116	460-42A-080	AMD-P	80-02-098	468-42-542	AMD-E	80-03-066
458-57-180	NEW	80-03-048	460-42A-080	AMD	80-04-037	468-58-050	AMD-P	80-03-015
458-57-190	NEW-P	80-01-116	460-42A-085	NEW-P	80-02-098	468-58-050	AMD-E	80-03-055
458-57-190	NEW	80-03-048	460-42A-085	NEW	80-04-037	468-66-010	AMD-P	80-02-141
458-57-200	NEW-P	80-01-116	460-44A-010	AMD-P	80-02-098	468-66-010	AMD-P	80-04-035
458-57-200	NEW	80-03-048	460-44A-010	AMD	80-04-037	468-66-030	AMD-P	80-02-141
458-57-210	NEW-P	80-01-116	460-44A-020	AMD-P	80-02-139	468-66-030	AMD-P	80-04-035
458-57-210	NEW	80-03-048	460-44A-020	AMD	80-04-037	468-66-030	AMD	80-04-095
458-57-220	NEW-P	80-01-116	460-44A-030	AMD-P	80-02-098	468-66-040	REP-P	80-02-141
458-57-220	NEW	80-03-048	460-44A-030	AMD	80-04-037	468-66-040	REP-P	80-04-035
458-57-230	NEW-P	80-01-116	460-44A-040	REP-P	80-02-098	468-66-040	REP	80-04-095
458-57-230	NEW	80-03-048	460-44A-040	REP	80-04-037	468-66-050	AMD-P	80-02-141
458-57-240	NEW-P	80-01-116	460-44A-041	NEW-P	80-02-098	468-66-050	AMD-P	80-04-035
458-57-240	NEW	80-03-048	460-44A-041	NEW	80-04-037	468-66-070	AMD-P	80-02-141
458-57-250	NEW-P	80-01-116	460-44A-045	NEW-P	80-02-098	468-66-070	AMD-P	80-04-035
458-57-250	NEW	80-03-048	460-44A-045	NEW	80-04-037	468-66-140	AMD-P	80-02-141
458-57-260	NEW-P	80-01-116	460-44A-060	AMD-P	80-02-098	468-66-140	AMD	80-04-095
458-57-260	NEW	80-03-048	460-44A-060	AMD	80-04-037	468-95	AMD-P	80-02-110
458-57-270	NEW-P	80-01-116	460-44A-065	NEW-P	80-02-098	468-95	AMD	80-04-045
458-57-270	NEW	80-03-048	460-44A-065	NEW	80-04-037	468-300-005	AMD-P	80-02-174
458-57-280	NEW-P	80-01-116	460-44A-070	NEW-P	80-02-098	468-300-005	AMD	80-04-104
458-57-280	NEW	80-03-048	460-44A-070	NEW	80-04-037	468-300-010	AMD-P	80-02-174
458-57-290	NEW-P	80-01-116	460-44A-075	NEW-P	80-02-098	468-300-010	AMD	80-04-104
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